

Court No. - 32

Case :- WRIT - C No. - 37320 of 2023

Petitioner :- Ms. Jai Bajrang Rice Mill

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Kamlesh Kumar Yadav

Counsel for Respondent :- C.S.C., Ved Byas Mishra

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

The present petition has been filed praying for following reliefs :-

"(I) Issue a writ, order or direction in the nature of certiorari quashing the impugned Notice dated 18.8.2023 passed by respondent No. 4 for the realization of amount of Rs. 15,88,273. (Annexure No. 1 to this writ petition).

(II) Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities not to take any coercive action against the petitioner as well as recover the actual dues amount in easy installment as fixed by this Hon'ble Court."

It has been stated by Shri Ved Byas Mishra, Advocate, representing the U.P. State Agro Industrial Corporation Limited, i.e., respondent Nos. 2 and 6 that the initial amount shown to be due against the petitioner and challenged in M/s. Maa Bhawani Rice Mill and 2 Others Vs. State of U.P. and Others (Writ-C No. 35296 of 2013) was Rs. 35,94,202/-.

The records show that a recovery of only Rs. 15,88,273/- has been instituted against the petitioner.

Recovery certificate dated 18.8.2023 to that effect has also been issued by the District Magistrate, District-Ghazipur.

There is nothing on record to show as to how the amount due against the petitioner has been reduced. However, it would serve no purpose to keep the petition pending and call for a counter affidavit, in view of the fact that the petitioner is ready to deposit the amount.

In paragraph No. 11 of the petition, the petitioner has expressed his willingness to pay the amount in easy installments.

The petition is disposed of with a direction that the petitioner shall deposit 50% of the amount as referred in the recovery

notice dated 18.8.2023 within a period of one month from today and the balance amount shall be deposited within next period of two months. The first installment shall be deposited by 30.11.203 and the total amount shall be deposited by 31.1.2024. Subject to compliance of the aforesaid conditions by the petitioner, no coercive action shall be taken against the petitioner.

It is clarified that the order passed by this court shall not be treated as validating the reduction in the due amount against the petitioner.

With the aforesaid observation and direction, the petition is ***disposed of.***

Order Date :- 30.10.2023

Anurag/-