

Court No. - 39

Case :- WRIT - C No. - 39610 of 2023

Petitioner :- M/S Maa Sharda Rice Mill

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ram Sumer Chaudhary, Suresh Kumar

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

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Ram Sumer Chaudhary learned counsel for the petitioner, Sri Ved Byas Mishra learned counsel for respondent Nos. 2 to 5 and the learned Standing Counsel for the State respondent.

2. Challenge has been raised to the recovery notice dated 24.6.2022 issued by respondent No. 4 seeking recovery of Rs. 13,14,443/- being interest on delayed payment of paddy procurement price, VAT and Mandi fee.

3. Undisputedly the original order creating demand was issued against the petitioner in the year 2014. It was followed by recovery certificate that became subject matter of challenge in writ proceedings being Writ-C No. 46407 of 2014 (M/s Maa Sharda Rice Mill & 5 Others Vs. State of U.P. & 7 Others). The same was dismissed leaving it open to the petitioner to seek arbitration. The arbitration proceedings resulted in the order dated 28.7.2017 passed by the Commissioner, Azamgarh Division, Azamgarh. That order has not been complied with.

4. In view of the above noted facts, no ground exist to offer interference either to doubt the correctness and validity of the recovery certificate or to provide for any leniency or time to the

petitioner to deposit the amount. Habitual defaulters are clearly disentitled to any equitable relief.

5. Writ petition is accordingly **dismissed**. No order as to costs.

Order Date :- 21.11.2023

Faraz

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)