

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-17526-2015

Date of decision:- 24.08.2015

M/s Viscotex Fabrics (India) Pvt. Ltd.

...Petitioner

Versus

Haryana State Industrial and Infrastructural Development
Corporation Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner has challenged an order dated 28.07.2004 rejecting its request for a rebate of 20% on the ground that the petitioner had not started commercial production in its unit and that the petitioner had leased out the premises to another party.

2. The petitioner had earlier filed CWP-8133-2008 in which it sought a writ of mandamus directing the respondents to refund 20% rebate of the cost to the tune of ₹ 1,35,000/- alongwith interest. The order dated 28.07.2004 had not been challenged. This writ petition was disposed of by an order dated 15.05.2008 by directing the respondents to decide the petitioner's representations starting with the representation dated 28.01.2005 and ending with the representation dated 18.03.2008 by passing a speaking order within four weeks. Nothing appears to have been done thereafter. The petitioner has not produced any document calling upon the respondents to comply with the order dated 15.05.2008.

3. In these circumstances, there is no warrant at this stage for considering the prayers in this petition. The petitioner must first take steps to

ensure compliance with the order dated 15.05.2008. The petitioner has relied upon an internal communication dated 12.06.2008 by the respondents – HSIIDC. The communication does not state that the record is lost. The petitioner stated before us that some officer of the HSIIDC informed it that the file is lost. We do not wish to make any comment in that regard.

4. The petitioner is at liberty to invite the attention of the respondents to the fact that the order dated 15.05.2008 has not been complied with and to call upon them to do so. The petitioner is always at liberty to challenge any order that may be passed pursuant thereto.

5. Needless to add that in the event of the respondents refusing to comply with the order dated 15.05.2008, the petitioner is at liberty to adopt appropriate proceedings.

6. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

24.08.2015
Amodh