

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

CWP No.2144 of 2014

Date of decision:21.5.2015

Narinder Puri and others

....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikram Rathore, Advocate for
Mr. Jaideep Verma, Advocate for the petitioners.

Mr. Manoj Bajaj, Additional Advocate General, Punjab
for respondents No.1 and 3 to 5.

Mr. Vikas Mohan Gupta, Advocate for respondent No.2.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the recovery certificate issued by specified authority under Section 32G of the State Financial Corporations Act, 1951. The challenge is, inter alia, on the question that the certificate has been issued after the expiry of period of limitation prescribed for recovery of the due amount.

A similar question has been examined by this Court in CWP No.15983 of 2013 titled K.P. Khemka and another v. Haryana State Industrial and Infrastructure Development Corporation Ltd. and others, decided on 24.04.2015, wherein it has been held to the following effect:-

“In the light of the aforesaid judgments, we find that the Limitation Act is applicable only to the Courts or to the Tribunals having the trappings of the Court, but in respect of proceedings

under any special or local Act, if there is no provision of limitation of initiation of proceedings, the same cannot be applied on the analogy of principle of Limitation Act, as the said Act will not be applicable to such proceedings in view of Section 3 read with Section 29 of the said Act.

The Haryana Public Moneys (Recovery of Dues) Act, 1979 contemplates recovery of certain dues as arrears of land revenue. Section 3(1) of the Act prescribes that what is recoverable is 'any sum', which does not has any indication of any period of time. Similarly, under Section 32(G) of the State Financial Corporation Act, 1951, the power of recovery to the financial institution is of 'any amount due'. Therefore, either under the Haryana Public Moneys (Recovery of Dues) Act, 1979 or the State Financial Corporation Act, 1951, where the recovery is being sought without the assistance of a Court or a Tribunal having the trappings of the Court, the period of limitation as provided under the Limitation Act, 1963 is not applicable.

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Thus, we are of the opinion that the Limitation Act is not applicable to the recovery process under the Act including the process under Section 32G of the SFC Act.”

In view of the aforesaid judgment, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

MAY 21, 2015
‘D. Gulati’

(LISA GILL)
JUDGE