

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24191 of 2015

Date of Decision: 18.11.2015

M/s Rishab Agro Industries Ltd., Sohna, Mewat

....Petitioner.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Rajiv Agnihotri, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to adjudicate upon the submissions dated 4.3.2013 (Annexure P-3) filed by the petitioner and to restore eligibility certificate.

2. The petitioner is engaged in the business of manufacturing and trading of milk and milk products. The Higher Level Screening Committee (HLSC) vide its meeting approved the exemption case of the petitioner-company on 1.7.1999 and issued eligibility certificate for the period 12.6.1994 to 11.6.2003. The petitioner applied for exemption certificate before respondent No.4. Since its business was lying closed, the HLSC on the recommendations of respondents No.3 and 4, withdrew the eligibility certificate vide order dated 22.4.2003 (Annexure P-1). The company was registered with the Board of Industrial and Financial

Reconstruction (BIFR) vide case No. 158/1997 and vide order dated 1.2.1997, the company was declared a sick industrial company under Section 3(1)(o) of the Sick Industrial Companies (Special Provisions) Act, 1985. The BIFR vide order dated 22.1.2010 (Annexure P-2) appointed the IDBI Bank as the operating agency to prepare a revival scheme of the company based on the draft rehabilitation scheme to be submitted by the promoter. The management has started making all efforts to revive the company. On receipt of the said order, Annexure P-2, the petitioner applied for copies of the order withdrawing eligibility certificate. On receipt of the copy of the order, the petitioner filed submissions dated 4.3.2013/25.3.2014, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has made submission dated 4.3.2013/25.3.2014 (Annexure P-3), but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the submission dated 4.3.2013/25.3.2014 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 18, 2015
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(RAMENDRA JAIN)
JUDGE