IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9800 of 2015
Date of Decision: December 10, 2015

M/s Raghupati Raghav Estate Developers Private Limited
....Petitioner

versus

PSIDC and others .....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Anand Chhibbar, Senior Advocate with
Mr.Gaurav Mankotia, Advocate for the petitioner.
Mr.Vinod Kataria, Advocate, for respondent No.1.
Mr.K.K.Gupta, Additional Advocate General, Punjab.
Ms.Geeta Sharma, Advocate, for respondent No.3.
Mr.I.S.Sidhu, Advocate, for respondent No.5.
Mr.Vikas Mohan Gupta,Advocate,for respondent No.6.

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1. Whether Reporters of 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?

Surya Kant, J. (Oral)

The petitioner-company being the highest bidder purchased Industrial Plot No.B-35, Phase-V, Focal Point, Dhandri Kalan, Ludhiana. The auction was held by the IFCI under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The said plot was allotted to respondent No.7-company on lease-hold basis by the Punjab Small Industries and Exports Corporation (for short, 'PSIEC'). The auction was held on account of failure of respondent No.7 to discharge its loan liability towards several lenders mentioned in para No.4 of the writ petition.

[2] As the PSIEC was reluctant to transfer the lease-

hold rights in favour of petitioner by raising several objections etc. that the instant writ petition has been filed seeking multiple reliefs against PSIEC, Directorate of Industries and Commerce, Punjab etc.

[3] During the pendency of the writ petition, PSIEC has issued a communication dated 09.12.2015 (taken on record) whereby the subject industrial plot has been transferred in favour of the petitioner subject to three conditions, namely, (i) deposit of transfer fee of Rs.21,87,675/-; (ii) no further transfer of the plot shall be permitted till the instant writ petition is decided and (iii) the above-stated transfer is also subject to final outcome of the instant writ petition.

[4] Learned counsel for the petitioner informs that the transfer fee has since been deposited with the PSIEC. Condition No.(i) thus stands complied with. Since the main case is being disposed of, condition Nos.(ii) & (iii) imposed by PSIEC in its communication dated 09.12.2015 are also rendered infructuous.

[5] Resultantly, PSIEC and the revenue authorities of Ludhiana District are directed to sanction the mutation/make necessary entries in the revenue/official record regarding transfer of lease-hold rights of the subject plot in favour of the petitioner. The needful shall be done within one month.

[6] Learned counsel for the petitioner further submits that the petitioner was forced to obtain 'No Objection Certificate' from the General Manager, District Industries Centre as a condition precedent for the transfer of subject-plot in its favour and to obtain that NOC, the petitioner had to deposit a sum of Rs.14,55,000/- with the General Manager, District Industries Centre towards the unpaid liability of

respondent No.7 (Arihant Industries Limited). According to the petitioner, no such liability could be fastened on it in view of the settled legal proposition. Reference is made to a decision of this Court in Aastha Trading Company versus State of Punjab and others, AIR 2009 P&H 4 and the judgment of Hon'ble Supreme Court in M/s Rana Girders Limited versus Union of India and others, JT-2013 (11) 226.

[7] Since the petitioner has already deposited the above-stated amount with the General Manager, District Industries Centre without prejudice to its legal rights, we dispose of this part of the writ petition with a direction to respondent No.4 to ascertain the correct facts and apply the settled-law and then determine whether the petitioner could be made liable to clear the dues, if any, pending against respondent No.7 or other sister-concern of the said respondent. A speaking order, after hearing the petitioner's representative, shall be passed within a period of two months from the date of receiving a certified copy of this order. If still aggrieved, the petitioner shall be at liberty to initiate appropriate proceedings. The petitioner shall also be at liberty to supplement its claim before respondent No.4 by way of additional representation alongwith copies of the judgments relied upon by it.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 10, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE