

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39998 of 2016

Date: 21.11.2016

Between:

Kewalram Textiles Pvt.Ltd.Company, rep.by its
Director cum authorized signatory Sri Puneet Dabi
s/o Kishan Singh Dabi, Aged 41 years, Occu:Business,
803, Venus Atlantis, 100 Ft Road, Prahalad Nagar,
Ahmedabad.

.....Petitioner

And

The State of Telangana, rep. by its Principal Secretary,
Industries and Commerce (IP & INF) Department,
Secretariat Building, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

As evident from the pleadings in the affidavit filed in support of the writ petition, there is a dispute between the petitioner and the 4th respondent. Petitioner filed C.O.S.No.1 of 2016 which is pending on the file of XIII Additional District Judge, Ranga Reddy District. Petitioner also filed I.A.No.405 of 2016 in the said suit praying to direct the 3rd respondent to withhold an amount of Rs.1,68,99,220/- payable to the 4th respondent. It appears, in I.A., notice was ordered. Aggrieved thereby, petitioner filed C.R.P.No.4242 of 2016. Initially stay was granted in the said CRP. According to learned counsel for petitioner, this Court was informed that 4th respondent has become a sick industry and made application under Section 15(1) of Sick industrial Companies (Special Provisions) Act, 1985. Having regard to this submission, stay was subsequently vacated, but CRP is pending. Petitioner was granted liberty to go before the Board for Industrial and Financial Reconstruction (BIFR) for appropriate relief. As informed by the counsel for petitioner, petitioner filed application before BIFR and the same is also pending.

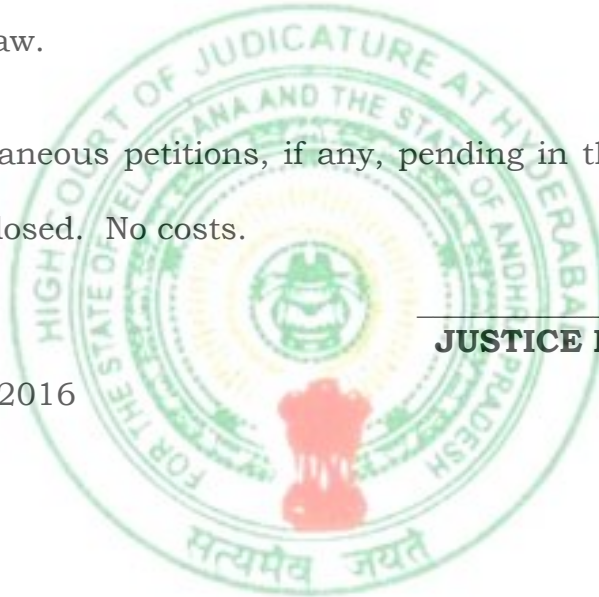
2. The brief narration of the above facts would show that there is a dispute between the petitioner and the 4th respondent and on the said issue, C.O.S.No.1 of 2016 is pending, application is also pending before BIFR and C.R.P.No.4242 of 2016 is pending in this Court. On the same factual and legal background and on the same cause of action, this writ petition is filed.

3. As noted above, petitioner had already availed remedies as available in law on his grievance vis-à-vis 4th respondent. Thus, on the same issue, petitioner cannot seek to avail writ remedy. Furthermore, no provision is brought to my notice by which a direction as sought for can be issued to respondents 1 to 3 not to release the amount, which is payable to the 4th respondent, merely because there is *inter se* dispute between the petitioner and the 4th respondent. Writ Petition is not maintainable and is dismissed in limini. It is open to the petitioner to work out his remedies as available in law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

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