

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.41062 of 2016

ORDER:

At request of respondent, time was granted on 25.11.2016 and 29.11.2016 to file counter affidavit in the writ petition.

2. The Assistant Government Pleader submits that respondents have not sent instructions till date.

3. Counsel appearing for both parties submit that this Court in WP.No.39193 of 2016, filed challenging cheque withdrawal power without stipulating the time schedule of operation of such withdrawal, set aside the proceedings.

4. After perusing the proceedings impugned in the writ petition and the view taken by this Court in WP.No.39193 of 2016, the writ petition is ordered in terms of WP.No.39193 of 2016 and the proceeding dated 18.07.2016 is set aside, as under:

“In the fact situation of this case, for two reasons, namely that the time is not stipulated and that the power is exercised without applying the mind to the controversy in issue, the proceeding impugned is set aside. It is always open to third respondent to take up the enquiry already initiated to its logical end strictly in accordance with law.”

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

December 1, 2016
DSK