

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.26136 of 2017

Date of Decision: November 16, 2017

Naveen Rice Mill

. . . . Petitioner

Vs.

PUNGRAIN and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Rishab Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for quashing the notice dated 10.8.2016 whereby the petitioner has been asked to pay ₹1,59,65,467/- being the guarantor of M/s Sai Traders.

Admittedly, the petitioner has not given any reply to the notice. However, it is submitted that M/s Sai Traders has filed a civil suit for declaration to the effect that they are not liable to pay anything to the respondents for the crop year 2011-2012. The said suit was decreed on 17.4.2017 holding that there is no amount due towards M/s Sai Traders. The petitioner has approached this Court to challenge the impugned notice which was issued more than year ago but has not approached the respondents with the decision of the Civil Court dated 17.4.2017 to contend that they are not liable to pay in view of the said decision as there is no liability of M/s Sai Traders (principal) for whom the petitioner has stood as guarantor. Consequently, the present petition is not maintainable as the petitioner has the remedy to contest the show cause notice by filing reply.

With these observations, the present petition is hereby disposed of. In case, the reply is filed by the petitioner, to the show cause notice dated 10.8.2016, within a period of 7 days, the same shall be decided by the respondents (competent authority) within a period of 7 days thereafter by passing a speaking order.

NOVEMBER 16, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No