

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 6804 of 2017

Date of Decision: 31.3.2017

M/s Yencon Joint Venture Private Limited, Karnal

....Petitioner.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. Ashok Kumar Gupta, Director, for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to finalize and release all due payments or to direct respondent No.2 to decide the representations (Annexures P-2 to P-6, respectively) at his level or through respondents No.3 to 6.

2. The petitioner is a Private Limited Company and as per the circular dated 9.5.2003 (Annexure P-1) is empanelled as Enforcement Agency under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by State Bank of Patiala at Sr. No. 21. The first fee structure was notified by the State Bank of Patiala on 14.7.2004 with subsequent amendments/changes. The payment of fee of the petitioner was delayed by the bank functionaries. The petitioner started making representations to the various branches or their controlling officers since 2006-07 for non-payment of their fee and also represented before the Deputy General Managers since 2007-08, but to no effect. The petitioner

sought its status of pending fee matters under the Right to Information Act, 2005 (in short “the 2005 Act”) and when no information was supplied, the petitioner filed second appeal under the 2005 Act wherein information was supplied and some pending fee cases were settled. Thereafter, the petitioner moved the representations (Annexures P-2 to P-6, respectively) to respondents No.3 and 6, but no response has been received till date. Hence, the present writ petition.

3. Mr. Ashok Kumar Gupta, Director appearing on behalf of the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the representations (Annexures P-2 to P-6, respectively) to respondents No.3 and 6, but no action has so far been taken thereon.

4. After hearing the representative of 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.3 to take a decision on the representations (Annexures P-2 to P-6, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of the order. It is further directed that in case the petitioner is found entitled to the payment of fee, the same be released to it within next 15 days, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

March 31, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No