

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-28937-2018

Date of Decision: 16.11.2018

Ambala Foods Private Limited

...Petitioner

Versus

The State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. Suresh Kumar Yadav, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of certiorari for quashing the directions issued vide letter dated 3.10.2018 (Annexure P-4) by respondent No.2 to respondent No.3 not to release payment from account No. 5811286599 of the petitioner. Further, a writ of mandamus has been sought directing respondent No.3 to remove the lien on the account of the petitioner.

2. The petitioner is engaged in the business of manufacturing of wheat, soya and EPS Thermocol products. It has an overdraft account No. 5811286599 with respondent No.3 and the petitioner is availing Cash Credit Limit for managing requirement of working capital for its business. The petitioner received an email dated 5.10.2018 (Annexure P-2) informing that status of the company's account No. xxxx6599 had been changed from 'No Freeze to Debit Freeze' on account of Government order. The petitioner vide letter dated 8.10.2018 (Annexure P-3) requested respondent No.3 for conveying the reasons for debit freeze of its account and to supply document for changing the status of the bank account in question.

Respondent No.3 vide letter dated 10.10.2018 (Annexure P-5) informed the

petitioner that they have changed the status of their company on the basis of the letter dated 3.10.2018 (Annexure P-4) received from respondent No.2 directing not to release the payment from the account as the petitioner had stood surety of a dealer, namely Gayatri Steel Traders against which dues of VAT and CST were outstanding. Accordingly, the petitioner moved a representation dated 12.10.2018 (Annexure P-6) to respondent No.2 to withdraw the direction issued vide letter dated 3.10.2018 (Annexure P-4), but to no effect. The petitioner vide letter dated 12.10.2018 (Annexure P-7) requested respondent No.3 to remove the lien, but no response has been received till date. The petitioner has also made a complaint dated 12.10.2018 (Annexure P-8) against respondent No.2 at the Chief Minister Window. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 12.10.2018 (Annexure P-6) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for 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.2 to take a decision on the representation dated 12.10.2018 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of 15 days from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 16, 2018
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No