

CWP No.5754 of 2018

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.5754 of 2018
Date of decision: March 09, 2018

Atul Marwaha

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Manav Anand, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *mandamus*, seeking a direction to respondents no.2 and 3 for refund of ₹39,95,000/-, deposited by him for obtaining the license for setting up a wood based industrial unit.

There is no dispute that the petitioner had deposited the money for obtaining the aforesaid license. His offer was accepted on 06.09.2017 and the money was accordingly deposited by him. Thereafter, on 11.09.2017, the notification was issued, as per which, the wood based industries were exempted from obtaining any kind of license. The petitioner has, thus, submitted that he may be refunded the amount deposited by him on 06.09.2017 for obtaining the license.

I have heard learned counsel for the petitioner and perused the record.

There is no dispute that the request of the petitioner for grant of

license was accepted on 06.09.2017 and the amount was deposited by him accordingly. It was, thereafter, that the notification was issued on 11.09.2017 that the wood based industry would not require any kind of license. The petitioner has failed to show that the notification would apply retrospectively nor any provision of refund is referred to. In such circumstances, no *mandamus* can be issued for refund of the amount deposited by such applicant before the issuance of notification because there is no right accrued to him to which there is a corresponding duty on the part of the respondents to perform.

In view thereof, I do not find any merit in the present petition and hence, the same is hereby dismissed, though without any orders as to costs.

March 09, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No