

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

**CRM-M-26137-2019(O & M)
Date of Decision: 01.07.2019**

M/s Kamal Construction Company and another

...Petitioners

Versus

Raj Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.R.Bhardwaj, Advocate
for the petitioners.

MANOJ BAJAJ, J.(Oral)

Petitioners are aggrieved against the order dated 15.03.2019 whereby during pendency of the proceedings in the complaint case filed under Section 138 of the Negotiable Instrument Act (in short “the Act”), the application moved by the complainant for issuance of directions to pay 20% amount of the total cheque amount in question i.e. Rs. 4,00,000/- under Section 143-A of the Act was allowed.

Learned counsel for the petitioners contends that they had filed reply to the said application on 15.03.2019, itself, raising the preliminary objections that the provision of Section 143-A of the Act would not be applicable to the complaint case as the said amendment was introduced by way of amending the Act on 02.08.2018 and it is applicable prospectively.

A perusal of the order reveals that the Court has not at all given any reason while allowing the aforesaid application, and without even dealing with the objections and contents of the reply filed by the accused.

Learned counsel for the petitioners further relies upon the decision of this Court dated 04.04.2019 passed in **CRR-9872-2018** titled as ***M/s Ginni Garments and another Versus M/s Sethi Garments*** wherein it is held that newly inserted provisions i.e. Sections 143-A and 148 of N.I. Act, 1881 shall not have any retrospective effect.

In view of the above, the impugned order is set aside and the trial Court is directed to decide the matter afresh after hearing the parties by passing a reasoned order.

Disposed of .

1st July, 2019
shabha

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned : *Yes/No*

Whether Reportable : *Yes/No*