IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.7784 of 2019 and
CWP No.30295 of 2018
Date of decision: 27.05.2019

M/s Faiveley Transport Rail Technologies India Limited, EPF Trust .....Petitioner

Versus

State of Punjab and another ....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Jagmohan Bansal, Advocate for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

Mr. Sahil Sharma, Advocate for respondent No.2.

B.S. WALIA, J (ORAL)

CM No.7784 of 2019

Application is for preponement of the date of hearing. Learned counsel prays for taking up the case for hearing today by making preponement of the date of hearing

Notice of the application to the counsel for the respondents.

Mr. Sandeep Vermani, Addl. A.G. Punjab and Mr. Sahil Sharma, Advocate, put in appearance and accept notice on behalf of respondent No.1 and respondent No.2 respectively.

Learned counsel for the respondents state that they do not have any objection to the prayer for preponement and that the writ petition can be taken up for consideration and decision today itself.

In view of the statement of learned counsel for the parties, the application is allowed and the date of hearing is preponed and the writ petition is taken up for hearing today.

CWP No.30295 of 2018

1. Short grievance of the petitioner is for the issuance of directions to respondent No.2 to release sum of ₹96,52,000/- on account of payment towards encashment of bonds along with interest.

2. Brief facts of the case leading to the filing of the present writ petition are that the petitioner is an Employees Provident Fund Trust and the money received by the petitioner on account of provident fund contributions were invested by it in bonds floated by respondent No.2 details of which are given on page Nos.6 and 7 of the writ petition along with their respective maturity dates.

3. Grievance of the petitioner is that despite maturity date in respect of bonds at serial No.1 and 2 having long since expired, payment on account of redemption of the bonds along with interest as per entitlement on the same has not been paid till date nor has interest on the bonds at serial No.3 to 8 been paid as per terms and conditions agreed upon.

4. Learned counsel contends that the payment of amount due to the petitioner on account of redemption of bonds at serial No.1 and 2 at page No.6 of the writ petition along with interest thereto besides payment of interest qua the bonds at serial No.3 to 8 has not been released to the petitioner solely on the ground of non-availability of funds with respondent

No.2. Learned counsel further contends that CWP Nos.22977 of 2017, 36861 of 2018 and 726 and 735 of 2019 were filed by other similarly situated bond holders in which learned counsel for respondent No.2 made a statement that Govt. of Punjab had intimated respondent No.2 that a sum of ₹22 crores was being disbursed after the expiry of the present election code of conduct. Learned counsel states that in the circumstances especially in view of order dated 08.04.2019 passed in the aforementioned writ petitions, the petitioner is entitled to get issued a direction to respondent No.2 to release the payment outstanding to it on receipt of sum of ₹22 crores from the Govt. of Punjab.

5. Learned Standing counsel appearing on behalf of respondent No.2, on the other hand, states that the claim of the petitioner for release of amount claimed to be due and outstanding on account of redemption of bonds floated by respondent No.2 as also interest on bonds which are yet to mature would be considered for release of payment along with the claims of other similarly situated organizations on account of receipt of funds from the Govt. of Punjab and payment would be released as per decision taken by respondent No.2 and subject to availability of funds. Learned Standing counsel further states that due to financial crunch, respondent No.2 at present is releasing only the principal amount to all the bond holders proportionately out of the funds being received from the Govt. of Punjab and accordingly, would consider the claim of the petitioner also on the same footing for release of the principal amount proportionately along with the other similarly situated bond holders.

6. The same satisfies learned counsel for the petitioner.

7. In view thereof, the writ petition is disposed of by directing respondent No.2 to consider the claim of the petitioner for release of amount

due on account of redemption of bonds mentioned at Serial No.1 and 2 as per details referred to above as also the claim of the petitioner for release of outstanding interest on the bonds at serial No.3 to 8 in accordance with law and as per decision to be taken by the competent authority on receipt of funds from the Govt. of Punjab.

(B.S. WALIA)
JUDGE

May 27, 2019
ps

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No