

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25664-2019
Date of Decision: 12.09.2019

M/s Jaiparkash Associates Limited

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI

Present: - Mr.Kanwaljit Singh, Sr. Advocate, with
Mr. Rohit Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the recovery certificate dated 15.3.2019 (Annexure P-1 colly) by which the respondents have raised a demand of interest from the petitioner.

In brief, learned counsel for the petitioner has submitted that the Industries Department, Government of Haryana had issued a notification dated 27.1.2006 circulating the new industrial policy providing grant of Interest Free Loan (IFL) for mega projects in backward areas, Small Scale Industries in backward areas and food processing industries throughout the State. It is further submitted that as per the Scheme, the VAT paid by the petitioner under the Haryana Value

Added Tax Act, 2003 for a period of 7 years from the date of start of commercial production as Interest Free Loan (IFL) was to be returned after a period of 5 years from the date of grant of IFL. It is submitted that the petitioner has been surprised with the demand of recovery of ₹4,86,73,332/- towards interest.

After hearing learned counsel for the petitioner and taking into consideration the policy dated 27.01.2006, we are of the considered opinion that since there is a provision of appeal, the writ petition would not be maintainable as it would lie if there is no ordinary remedy available to the petitioner for the redressal of his grievance. The clause of appeal read as under: -

“Appeal against the decision of Director of Industries, Haryana regarding sanctioning of loan or recovery thereof shall lie to Financial Commissioner & Principal Secretary to Govt. Haryana, Industries Department.”

Learned counsel for the petitioner has submitted that he does not have the order by which the recovery has been fastened of the amount of interest except for the recovery certificate.

Be that as it may, even if the petitioner does not have the copy of the order by which the amount of interest has been determined to the tune of ₹4,86,73,332/- and recovery certificate has been issued, he shall be eligible to challenge the recovery certificate itself by way of an appeal.

In view of the aforesaid observation, learned counsel for the petitioner does not want to press the petition and prays for withdrawal of the same with liberty to first take the remedy of appeal.

Dismissed as withdrawn.

Liberty granted.

(RAKESH KUMAR JAIN)
JUDGE

12.09.2019
Vivek

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*