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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27966 of 2019

DECIDED ON: OCTOBER 10, 2019

SURJIT KAUR AND ANOTHER

.....PETITIONERS

VERSUS

ORIENTAL BANK OF COMMERCE AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.
HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI.

Present: Ms. Namita Khandari, Advocate
for the petitioners.

Mr. Pulkit Goyal, Advocate
for the respondents.

AVNEESH JHINGAN, J (ORAL)

After arguing for some time, learned counsel for the petitioners submits that she may be allowed to withdraw the present petition with liberty to avail remedy in accordance with law.

Dismissed as withdrawn with liberty as prayed for.

OCTOBER 10, 2019
sham

(AVNEESH JHINGAN)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

**201 CRM No. 31533 of 2019 in
CRA-D-1121-DB of 2018**

PAWAN AND ANOTHER

VS

STATE OF HARYANA

Present: Mr. Arjun Sheoran, Advocate and
Mr. Chand Rathi, Advocate
for the applicant/appellant No.1.

Mr. Arun Beniwal, DAG, Haryana.

Learned counsel for the applicant/appellant No.1 has fairly submits
that the cremation of the son of the applicant/appellant No.1 has already taken
place and the post-cremation ceremony i.e. *tervi* is fixed for 22.10.2019.

Adjourned to 16.10.2019.

**OCTOBER 10, 2019
sham**

**(AVNEESH JHINGAN)
JUDGE**

**(HARSIMRAN SINGH SETHI)
JUDGE**

101 CWP No. 29526 of 2019

BIKRAMJIT SINGH

VS

**GURU ANGAD DEV VETERINARY AND ANIMAL SCIENCES
UNIVERSITY, LUDHIAND AND ANOTHER**

Present: Mr. V.K. Sandhir, Advocate
 for the petitioner.

Learned counsel after arguing for some time realizes that there is nothing on record to show that the petitioner had approached the respondents raising grievance that after cancelling the counselling, the same was held only giving one hour's notice and it was not possible for the petitioner to make himself present.

Adjourned to 15.10.2019.

OCTOBER 10, 2019
sham

(AVNEESH JHINGAN)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

103 CWP No. 29539 of 2019

RAJDHANI CREATIONS PVT. LTD. AND ANOTHER

VS.

TEHSILDAR, WAZIRABAD AND ANOTHER

Present: Mr. Atul Sharma, Advocate
 for the petitioners.

Learned counsel for the petitioners seeks time to place on record
proof to show that the bank accepted the OTS.

Adjourned to 15.10.2019.

OCTOBER 10, 2019
sham

(AVNEESH JHINGAN)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

102 CWP No. 29516 of 2019

GURMAIL CHAND

VS

FOOD CORPORATION OF INDIA AND ANOTHER

Present: Mr. HPS Bhinder, Advocate
 for the petitioner.

There is no urgency.

Adjourned to 17.10.2019.

OCTOBER 10, 2019
sham

(AVNEESH JHINGAN)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

CWP No. 29553 of 2019

DECIDED ON: OCTOBER 10, 2019

M/S JAIPRAKASH ASSOCIATES LTD.

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.
HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI.**

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Rohit Gupta, Advocate and
Mr. Amar Pratap Singh, Advocate
for the petitioner.

AVNEESH JHINGAN, J (ORAL)

The grievance in the present writ petition is that in spite of pendency of stay application as well as appeal before the Principal Secretary, Department of Industries and Commerce, Haryana recovery is being effected in pursuance of recovery notice dated 25.09.2019.

The dispute is with regard to the interest being charged on Interest Free Loan given under Industrial Policy, 2005, alleging violation of terms and conditions.

Aggrieved of charging of interest the petitioner preferred a writ petition, the same was disposed of relegating petitioner to alternative remedy. An appeal alongwith the stay application was filed on 13.09.2019. Thereafter, recovery notice dated 25.09.2019 was issued.

The contention raised by learned counsel for the petitioner is that

during the pendency of stay application, recovery proceedings are being initiated which will render the stay application infructuous.

There is no dispute on the proposition that in case a stay application is pending, the same is to be decided either way and should not be allowed to be rendered infructuous with the passage of time and by making a recovery in the meanwhile.

However, in the present case, recovery certificate and the demand notice are dated 15.03.2019 and 20.07.2019 respectively. The recovery notice was issued on 25.09.2019. There is nothing on record to show that the petitioner had approached the Appellate Authority pointing out the said fact i.e. during the pendency of stay application recovery is being made. Further, there is no evidence that any representation was moved to the recovering authority that the stay application and appeal are pending.

In such circumstances, no ground is made out for interfere in the writ petition. However, there is no doubt in case the petitioner approaches the appellate authority regarding deciding stay application, the authority would consider the same expeditiously and in accordance with law.

Disposed of.

OCTOBER 10, 2019
sham

(AVNEESH JHINGAN)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***