

RSA-2865-2016 (O&M)

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

**RSA-2865-2016 (O&M)
Date of decision : 13.03.2019**

M/s Balraj Bartan Udyog Begowal

... Appellant

Versus

The Khadi & Village Industries Commission and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vishal Munjal, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

CM Nos.7723-C of 2016 & 14614-C of 2017

For the reasons stated in the applications, which are supported by an affidavit, the delay of 35 days in filing the appeal is condoned.

CMs stand disposed of.

MAIN CASE

The short point involved in the present regular second appeal is whether the suit for declaration challenging the letter dated 02.06.2003, by filing civil suit on 06.10.2006, would be within the period of limitation or not? The answer would be 'No'. The defendants in the written statement, in a suit filed by the plaintiff, claiming disbursement of the subsidy, on the basis of the Scheme, alleged claim of the plaintiff was declined on the ground that the scheme discontinued in the year 1998.

Mr. Vishal Munjal, learned counsel appearing on behalf of the

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appellant submitted that the suit cannot be dismissed, on account of limitation as the aforementioned letter was challenged in the writ petition.

I am afraid the aforementioned argument is not sustainable as in every proceeding, the plaintiff alleged himself to be partnership firm, whereas for the first time in the suit, claimed himself to be proprietor. The Scheme did not envisage any disbursement of the subsidy to the partnership firm.

In view of above, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground is made out for interference.

Resultantly, the present second appeal is dismissed.

13.03.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**