THE HIGH COURT OF MADHYA PRADESH

W.P. No. 10771 / 2020

(J.P.Tabacco Products Pvt. Ltd. Vs. *State of Madhya Pradesh and another*)

Jabalpur, Dated: 27.08.2020

Heard through Video Conferencing.

Mr. Sanjay Mishra, Advocate for the petitioner.

Mr. Pushpendra Yadav, Additional Advocate General, for the respondent No.1/State.

Mr. Deepak Awasthi, Advocate for the respondent No.2.

The petitioner has approached this Court under Article 226 of the Constitution of India claiming the following reliefs:-

> "(i) That, this Hon'ble Court may further kind enough to call for the entire record pertaining to case in petitioner.
>
> (ii) That the Hon'ble Court be pleased to hold that there is no liability for payment of interest on the petitioner and further quash the notices issued by the Respondent No.2 Annexure – P/8.
>
> (iii) That, the Hon'ble Court be pleased to direct the Respondent No.2 decide the representation preferred by the petitioner dated 14.07.2020 and other letters as per Annexure P/9, after providing opportunity of been heard to the petitioner.
>
> (iv) That, any other relief this Hon'ble Court deem fit may be granted to the petitioner."

At the outset, learned counsel for the petitioner submitted that a representation has been submitted to respondent No.2 on 14.07.2020 appended as Annexure P/9. It was urged that no decision thereon has been taken so far. It was claimed by learned counsel for the petitioner that the Bank Guarantee which has been furnished by the petitioner, be not encashed

till decision is taken by the respondents on the representation.

However, learned counsel for the respondents refuted the claim of the petitioner.

After hearing learned counsel for the parties and on a perusal of the records, without expressing any opinion on the merits of the controversy, at this stage we **dispose of** the writ petition by directing respondent No.2 to take a decision on the representation submitted by the petitioner – appended as Annexure P/9, within a period of one month after affording an opportunity of hearing to the petitioner or its representative through video conferencing, by passing a speaking order in accordance with law.

As an interim measure, it is directed that the Bank Guarantee shall not be encashed till the passing of order by the respondents. It is made clear that grant of this interim prayer shall not be construed to be an expression of any opinion on the merits of the controversy.

(AJAY KUMAR MITTAL)
CHIEF JUSTICE

(SMT. ANJULI PALO)
JUDGE

Aks/-

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