

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

**(1) COCP No. 1180 of 2016 (O&M)
Date of Decision: February 07, 2020**

Khadi AshramPETITIONER

VERSUS

Arun Kumar Jha and anotherRESPONDENTS

**(2) EA No. 22 of 2016 in
CWP No. 5197 of 2014**

Khadi AshramPETITIONER

VERSUS

Khadi & Village Industries Commission and anotherRESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.D.Sharma, Senior Advocate with
Mr. Ved Priya Malik, Advocate
for the petitioner in COCP No. 1180 of 2016.

Mr. Sumeet Mahajan, Senior Advocate with
Mr. Amit Kohar, Advocate
for the respondents.

Mr. Sanjay Majithia, Senior Advocate with
Mr. Sandeep Suri, Advocate
for the applicant in EA No. 22 of 2016.

Mr. Amarjit Singh Virk, Advocate
for respondent No. 1 in EA No. 22 of 2016.

SURINDER GUPTA, J.(Oral)

Heard.

Order dated 29.02.2016 was passed in CWP No. 5197 of 2014

as follows:

*“Learned counsel for respondent No. 1 submitted that
though the amount of loan has been repaid, however, the
accounts are being checked and in case no other amount is*

found due against the petitioner, the documents of the properties kept as security shall be returned to the petitioner . The entire exercise shall be completed within a period of one month from today.

In view of the aforesaid stand taken by learned counsel for respondent No. 1, the present petition is disposed of in the same terms”.

Learned counsel for the respondents submits that documents of the petitioners have not been released as a sum of ₹12,81,42,090/- has been found due against the petitioners as on 31.03.2018 and the matter has been referred to the Tribunal as per the notification dated 21.12.2018, copy of which has been placed on file as Annexure RX/1.

Learned counsel for the respondents submits that the appointment of the Tribunal has been stayed by the Government of India and the special Commercial Court at Gurugram has already decided the matter regarding liability of petitioners to pay third party dues. He further submits that the petitioners have challenged the notification dated 21.12.2018 by filing a writ petition No.3610 of 2017, which is still pending.

As the matter relating to the outstanding amount, is still pending and is subject matter of writ petition No. 3610 of 2017, these petitions are disposed of with liberty to the petitioners to get these revived after the decision of aforesaid writ petition or to file fresh one, if so required.

Rule discharged.

(SURINDER GUPTA)
JUDGE

February 07, 2020

Jyoti-II

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No