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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 1429/2020 & CM APPL. 4964/2020

M/S INNOVATIVE TEXTILES LTD. ..... Petitioner

Through Dr. Farrukh Khan with Mr. Abhigyan Choudhary, Mr. Vivek Gaurav and Mr. Moht Patolia, Advs.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through Mr. Ravi Prakash, CGSC with Mr. Farman Ali, Adv. for respondent no.1.
Mr. Akshit Kapur, Adv. for respondent/SBI.
Mr. Shubham Bhatia, proxy counsel for Mr. Karan Khanna, Standing Counsel for respondent no.3.
Mr. Rajiv Kapur with Ms. Khushboo Kapur and Mr. Akshit Kapur, Advs. for respondent no.4.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

<u>O R D E R</u>

% **07.02.2020**

1. The substantive prayers made in the writ petition are as follows:-

"*A. Issue a Writ of Mandamus directing the Respondent Nos.1 to further direct bankers of petitioner i.e. Respondent Nos. 3 & 4, to consider certified Govt Dues as secured collateral and immediately sanction and disburse special working capital facility (in addition to normal credit Facilities being enjoyed by Petitioner) against cumulative receivables of Rs. 22 Crores approx. from various Govt. depts. on account of GST accumulation and subsidy receivables and which should be a continuous facility allowing automatic adjustment of amount received from Govt. and further accumulation of dues from Govt., if* *any. The petitioner undertakes to pay applicable interest on such facility.*

B. Issue a Writ of Mandamus directing the Respondent No. 1 and 2 for issuing appropriate directions to the concerned banks i.e. Respondent Nos. 3 & 4, where the Petitioner enjoys credit facilities that no coercive action qua the Petitioner in event of default of any payments be taken until and unless the receivables of Petitioner from the respondents are duly paid or a special revolving credit facility against certified Govt. dues is disbursed;"

2. Clearly, these prayers are principally based on the assertions made in paragraphs 6, 7 8, & 9 of the writ petition.

3. Concededly, the relevant State Government/concerned department have not been arrayed as party.

4. Counsel for the petitioner says that he will array the relevant parties and file the necessary documents to show that the amounts referred to in the aforementioned paragraphs of the writ petition are due by way of refund.

5. In support of his plea, for the moment, counsel for the petitioner refers to the certificate of his Chartered Accountant which is appended on page 27 of the paper book and is marked as Annexure-P2.

6. Given this aforementioned circumstance, the writ petition is disposed of with a direction to respondent no.1 to deal with the captioned writ petition as a representation.

7. Respondent no.1 will, *inter alia*, be free to deliberate on the writ petition and also take the call as to whether the matter

needs to be dealt with by it (i.e. Ministry of Finance) or by another State Government and/or another Department under the concerned State Government.

8. If respondent no.1 reaches a conclusion that the matter at hand does not fall within its realm, it will forward the petitioner's representation to the concerned State Government and/or Department. This exercise will be carried out within six weeks of receipt of a copy of the order.

9. Consequently, the pending application shall stand closed.

RAJIV SHAKDHER, J

FEBRUARY 07, 2020
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