

S.No. 124

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

**LPA No.370 of 2021 (O&M)
Date of Decision:29.04.2021**

Edelweiss Asset Reconstruction Co. Ltd.Appellant

Vs.

State of Punjab and othersRespondents

(Heard through VC)

**CORAM:- HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

**Present:- Ms. Munisha Gandhi, Sr. Advocate with
Mr. Vaibhav Sharma, Advocate for the appellant.**

**Mr. A.K. Chopra, Senior Advocate with Ms. Eshna Kumar,
Advocate for the respondent No.4.**

RITU BAHRI, J.(Oral)

The appellant has come up in appeal against the order dated 05.11.2020 whereby application i.e. CM No.11739 of 2020 filed by M/s Winsome Yarns Limited has been allowed and it has been impleaded as respondent No.4 in the main writ petition. A perusal of this order shows that the Punjab National Bank had given a debt to M/s Winsome Yarns Limited and on account of some deficiency in stamp duty payable on the agreement of giving loan dated 10.12.2015, the Chief Controlling Revenue Authority vide order dated 03.02.2020 ordered that the agreement be not

relied upon. The Court has further observed by relying on the application that the matter pertaining to payment of stamp duty/ registration fee is finally between the State and the petitioner but keeping in view that the order dated 03.02.2020 had been passed pursuant to an application made by M/s Winsome Yarns Limited, this Company was directed to be impleaded as a party on the limited aspect of payment of stamp duty. On a specific query put by this Court, Ms. Munisha Gandhi, learned Senior Advocate has informed the Court that the pleadings in the writ petition are complete, written statement has been filed by all the respondents.

At this stage, Mr. A.K. Chopra, learned Senior Advocate has appeared and informed that the main writ petition is listed for final disposal after completion of the pleadings on 26.05.2021. Mr. Chopra further informs that another CWP No.5836 of 2021 filed by the present petitioner- Edelweiss Asset Reconstruction Company Limited is be also tagged along with this writ petition for 26.05.2021. Challenge in that writ petition is to the order passed by the Financial Commissioner dated 18.12.2020. Since this Court is of the view that in the main petition, all the pleadings are complete and while allowing the application on 05.11.2020 for impleading M/s Winsome Yarns Limited only on the limited legal aspect of stamp duty, the appellant- petitioner shall be at liberty to raise arguments before the Single Bench at the final stage of disposal of the writ petition. No case for interference in the impugned order is made out.

Dismissed.

Ms. Gandhi inter-alia argued that she has taken objection to the

filing of written statement by the impleaded party. However, this objection was rightly taken as the LPA was pending in this Court. Now the LPA is dismissed. The pleadings are complete. Let the main case be decided on merits. The appellant- petitioner will be at liberty to take all the pleas before the Single Bench.

(RITU BAHRI)
JUDGE

April 29, 2021
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(ARCHANA PURI)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No