

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

**CWP-11392-2021 (O&M)
Date of Decision:03.08.2021**

Plastic Component Industries

... Petitioner

Versus

Haryana State Industrial & Infrastructure Development Corporation

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Bani Dikshit, Advocate,
Mr. Farman Ali, Advocate and
Mr. Naresh Chander Advocate for the Petitioner.

Mr. Sandeep Moudgil, Advocate for the respondent.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition was filed assailing a notice dated 16.06.2021 (Annexure P-1) issued by the Haryana State Industrial and Infrastructure Development Corporation calling upon the petitioner to deposit a sum of Rs.2.50 crores approximately towards enhanced cost, maintenance charges, extension fee etc. pertaining to Plot No.192, Sector-6, IMT, Manesar.

Petition had come up for preliminary hearing before this Court on 29.06.2021 and the following order was passed:

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner has filed the instant petition assailing a notice dated 16.06.2021 issued by the Haryana State Industrial and

Infrastructure Development Corporation calling upon the petitioner to deposit a sum of Rs. 2.50 Crores approximately towards enhanced cost, maintenance charges, extension fee pertaining to Plot No. 192, Sector 6, IMT, Manesar under the 'Vivadon Ka Samadhan' scheme. The aforesaid amount as per impugned notice is to be made good on or before 30.06.2021 and failing which the petitioner is threatened with resumption proceedings.

Counsel submits that the petitioner was a sole proprietorship firm being run by one Sh.Nirantar Kumar and who unfortunately expired on 23.05.2021 on account of the Corona virus. The proprietorship firm now stands transferred in the name of the widow. Counsel further cites the extreme and pressing circumstances of the Covid pandemic as also the adverse business climate which has led to the default on a large scale. In other words the demand as detailed out in the Annexure to the impugned notice dated 16.06.2021 is not being disputed in principle, apart from the component of penal interest of approximately Rs. 20 lacs.

The instant petition is more in the nature of a mercy appeal to be afforded a reasonable time frame to make good the outstanding dues and with a prayer to protect the petitioner-firm from resumption in the meanwhile.

Notice of motion returnable for 03.08.2021.

Mr. Sandeep Moudgil, Advocate accepts notice on behalf of the respondent-Corporation and waives service.

Complete copy of the petition already stands furnished.

Counsel undertakes that an amount of Rs. 50 lakhs would be deposited with the Corporation positively by tomorrow i.e. 30.06.2021. Further undertaking is furnished that within a period of 15 days thereafter i.e. up to 15.07.2021 the petitioner-firm would offer to the respondent-Corporation towards security an immovable property which is free from all encumbrances and carrying a value in excess of Rs. 2 Crores

and which is to the satisfaction of the Corporation.

Undertaking afore-noticed is duly recorded.

Subject to the undertaking furnished by counsel it is directed that resumption proceedings pertaining to the plot in question would be held in abeyance in the meanwhile.

We further clarify that the interim directions that have been issued would not be construed as if this Court has taken a view with regard to extension of the 'Vivadon Ka Samadhan' scheme which was valid and operative only up to 30.06.2021."

During the course of resumed hearing today, counsel representing the petitioner would concede that there has been only a part compliance of the order dated 29.06.2021. It is conceded that the petitioner/firm has been unable to offer to the respondent/Corporation security in the nature of immovable property free from all incumbrances and carrying a value in excess of Rs.2 crores and which was to the satisfaction of the Corporation as per interim directions contained in the order dated 29.06.2021.

Counsel has been candid enough to submit that an undertaking duly furnished and recorded by this Court on 29.06.2021 having not been met, she would not be in a position to press the instant petition any further.

Accordingly, writ petition is dismissed.

We make it clear that by virtue of dismissal of the writ petition, the impugned notice dated 16.06.2021 shall become operative and the interim protection that had been granted by this Court vide order dated 29.06.2021 would now cease to operate.

Pending application(s), if any, shall also stand dispose of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.08.2021

harjeet

(VIVEK PURI)
JUDGE

- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No