

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105

CWP-17539-2021 (O&M)
Date of Decision: 07.09.2021

Lalit Singla

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Daman Dhir, Advocate for the petitioner

Mr. Ayush Sarna, AAG Punjab for respondents No.1, 2 & 5

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

The petitioner, *inter alia*, is aggrieved by the action of the respondents in charging excess amount while settling accounts under the 'Dues Recovery & Settlement Scheme 2019-20' dated 17.09.2019 and as such refund thereof is sought along with interest @ 18% p.a. Further, the petitioner also seeks a direction to the respondents to remove the attachment remarks recorded over his property in the revenue records *inasmuch* as the settlement amount is said have already been deposited with the respondents.

Petitioner's firm namely, M/s Bishna Mal Puran Chand Rice Mills, Bareta was declared as defaulter for the crop year 1999-2000. In pursuance to the Dues Recovery & Settlement Scheme 2019-20 issued by the Food & Civil Supplies Department, Punjab, for settlement of accounts of the rice mills w.e.f. the crop year 1994-95, the petitioner applied for the same and as such deposited a sum of Rs.45,58,700/-. Subsequently, it was found that approximately an amount of Rs.9,00,000/- has been charged in excess under

the different heads, which according to the petitioner is without any cause and violates the very essence of the Scheme.

Learned counsel submits that for the same/similar grievance, the petitioner has got served a legal notice dated 17.06.2021 (P6) upon the respondents but its response is still awaited.

Notice of motion.

On the asking, Mr. Ayush Sarna, AAG Punjab accepts notice on behalf of the respondents No.1, 2 & 5, through video conferencing.

At this stage, learned counsel makes a request that the petitioner would be satisfied if appropriate direction is issued to respondents No.2 & 5 to decide the legal notice in a time bound manner.

Having heard learned counsel for the parties and without commenting upon the merits of the case, the writ petition is disposed of with a direction to respondent No.1 to examine the issue and in case respondents No.2 & 5 are required to decide the same, let the matter be referred to respondents No.2 & 5, who, in turn, are directed to consider and decide the claim of the petitioner as contained in the legal notice (P6) in accordance with law and the above-said Scheme dated 17.09.2019.

Let this exercise be undertaken and a speaking order be passed within two months from the date of receipt of certified copy of this order.

Needless to say that in case the petitioner is found entitled on merits to the claim as raised in the legal notice, the same be disbursed within one month from the date of decision of the legal notice.

So ordered.

07.09.2021

vishal shonkar

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No