

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

Decided on : October 12, 2021

116 **CWP-20888-2021 (O&M)**

M/s Ravi Enterprises **...Petitioner**

VS.

Union of India and others **....Respondents**

109 **CWP-20847-2021 (O&M)**

Bhavya Mishra **...Petitioner**

VS.

Union of India and othersRespondents

110 CWP-20851-2021 (O&M)

Amresh Kumar Mishra **...Petitioner**

VS.

Union of India and othersRespondents

111 **CWP-20858-2021 (O&M)**

Aman Mishra **...Petitioner**

VS.

Union of India and othersRespondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Anjali J. Manish, Advocate
Mr. N.G.Sharma, Advocate and
Ms. Devasha Shukla, Advocate
for the petitioner(s).

AJAY TEWARI, J.(Oral)

1. Vide this common order we shall dispose of above said four writ petitions as common question of law and facts are involved therein. For the sake of convenience, facts are being taken from CWP-20888-2021.

2. By these petitions the petitioners have challenged the various summons issued to them in their individual capacity as well as as partners of the firm.

3. Notice of motion.

4. On advance notice, Mr. T.K.Joshi, Senior Standing Counsel appears and accepts notice on behalf of respondents No.1, 2, 3 and 6 in **CWP-20888-2021**. Mr. Rishabh Kapoor, Senior Standing Counsel appears and accepts notice on behalf of respondents No.1, 2, 3 and 6 in **CWP-20847-2021**. Mr. Anshuman Chopra, Senior Standing Counsel appears and accepts notice on behalf of respondents No.1, 2, 3 and 6 in **CWP-20851-2021**. Mr. Alankrit Bhardwaj, Standing Counsel appears and accepts notice on behalf of respondents No.1, 2, 3 and 6 in **CWP-20858-2021** and Ms. Shruti Jain Goyal, DAG, Haryana appears and accepts notice on behalf of the State of Haryana.

5. The first argument of the learned counsel for the petitioner is that this is a case where both the Central Authorities as well as the State Authorities have initiated action.

6. Learned counsel appearing on behalf of respondents No.1, 2, 3 and 6 in CWP-20847-2021 states that actually in this case the Central Authorities had initiated the investigation earlier and though at one

stage, the State Authorities had also issued summons but now the transfer letter has been issued and the investigation has been transferred to the Central Authorities. In the circumstances, the preliminary argument of the learned counsel for the petitioner has actually been accepted by the learned counsel for the respondents.

7. The second argument of learned counsel for the petitioner is that in this case Sh. Amresh Kumar Mishra (the petitioner in CWP-20851-2021) has been appearing and is ready to pay the alleged dues amounting to Rs.3.58 crores under protest but the Department should not unnecessarily keep summoning the other partners because they are in fact his children and he is the one who is running the affairs. These factual assertions have been strongly disputed by the learned Standing counsel for the respondents.

8. In our considered opinion, it would not be possible for this Court to examine these issues and consequently, we deem it appropriate to direct the petitioners to respond to the summons and give whatever defence they want to present before the quasi judicial Authorities.

9. Petitions stand disposed of.

10. Since the main cases has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(ALKA SARIN)
JUDGE

12.10.2021
anuradha

Whether speaking/reasoned	-	Yes
Whether reportable	-	No