

104.

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

CWP-11000-2022

Date of Decision: 23.05.2022

JAI HANUMAN RICE AND GENERAL MILLS AND ORS. Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ranjit Singh Kalra, Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

Petitioners have approached this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondent-department to issue NOC to sell the residential property situated in Karnal in lieu of agreement dated 25.11.2021 (Annexure P-8) and to deposit the sale receipts as depicted in the representation dated 14.03.2022 (Annexure P-10) and 04.05.2022 (Annexure P-12) in the Escrow Account opened by the respondent department enabling the petitioner firm to clear its outstanding liabilities.

Counsel for the petitioners would contend that the petitioner-rice sheller had been declared a defaulter, however, there are arbitration proceedings pending *inter se* the sheller and the procurement agency. It is submitted that Escrow Account has been set up in terms of the Government policy dated 06.09.2021 (Annexure P-7), in which, 10 acres of agricultural

and industrial lands situated in Gharaunda, Warehouses situated in Gharaunda, residential properties in Sector 13 and Sector 9, Karnal belonging to one of the legal heirs of the partner, and plant & machinery situated in the premises of Firm in Gharaunda, have been put in the Escrow Account and the sale would be done by the partners/legal heirs of the firm with the sale consideration deposited in the Escrow Account for disbursement by the Government. Counsel would contend that the petitioner has found a buyer and has entered into agreement to sell with one Mr. Amit Jain for the residential properties situated in Sector 13 and Sector 9, Karnal (Haryana), however, No Objection Certificate is not being issued by respondent No.2. The sale deed is to be executed on or before 30.06.2022 and on account of delay in the NOC being issued, irreparable loss would be caused to the petitioners herein who have to clear their liabilities. Counsel would submit that the petitioners would be satisfied if their representations dated 04.05.2022 (Annexures P-12 & P-13), submitted to the official respondents, are decided promptly, within a time bound manner.

Notice of motion to the respondents No.1 to 3 only.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice for the official respondents.

Let sufficient number of copies of complete paper book be supplied to her during the course of day.

Without going into merits of the case, present petition is disposed of with a direction to the official respondents to take a decision on representations dated 04.05.2022 (Annexures P-12 & P-13) qua the issuance

of NOC within a period of seven days on receipt of certified copy of this order, in accordance with law and convey the decision to the petitioners. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

23.05.2022

sanjeev

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No