

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

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**CWP No.14304 of 2022
Date of Decision: 08.07.2022**

M/s DRS Plastchem Pvt. Ltd.

....Petitioner.

Versus

State of Haryana and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Ankur Mittal, Additional A.G. Haryana for the
respondents.

Amol Rattan Singh, J.(Oral)

Vide this petition, the petitioner seeks issuance of a writ of mandamus staying operation of the order dated 13.03.2020 (copy Annexure P-1), shown to be passed by the “HOD (Estate)”, during the pendency of an appeal that the petitioner is stated to have filed on 31.08.2020 (copy Annexure P-2), before the Appellate Committee, Haryana State Industrial and Infrastructure Development Corporation, with an application seeking a stay of the order dated 13.03.2020 also stated to have been filed along with the said appeal.

Learned counsel for the petitioner submits that at this stage, he would be satisfied if the petition is disposed of with a direction to respondent No.2, i.e. the Appellate Committee, Haryana State Industrial and Infrastructure Development Corporation, Sector-6, Panchkula, to decide his appeal or at least the application seeking a stay of the order dated 13.03.2020, within a specific time frame as it has not been decided for the past almost two years.

On an advance copy of the petition having been received, Mr. Ankur Mittal, Advocate, appears for the respondents and submits that as a matter of fact the petitioner's appeal having been filed before an incorrect forum, it is untraceable and though vide Clause 6.3(a) of the Estate Management Procedure-2015, the Appellate Committee has been designated as the Appellate Authority, however, the appeal itself, even as per the said procedure, is to be filed before the Administrative Secretary Incharge of the Department of Industries, Government of Haryana, in the Haryana Civil Secretariat, Sector-17, Chandigarh; and consequently, upon the petitioner filing the appeal before the correct forum, it would be dealt with expeditiously.

Without going into the constitutional validity of the Estate Management Procedure-2015 (with no statutory backing having been shown to us so far for the same), this petition is consequently disposed of with liberty to the petitioner to file an appeal before the competent authority as submitted by Mr. Mittal, within a period of 15 days from today. Upon any such appeal being filed and any application seeking stay on any order impugned therein, such application would be decided within three months thereafter.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

08.07.2022

D. Gulati

Whether speaking/ reasoned : Yes/ No