

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

(204-2)**CRM-M-30538-2022 (O&M)****Date of Decision: 11.12.2023**

Amar Nath Wadhwa

.....Petitioner

Versus

M/s Bhushan Power and Steel Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mukesh Anand, Advocate, with
Mr. Arun Luthra, Advocate, for the petitioner.

None for the respondent.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, prayer is made for quashing of complaint No.22834/2008 titled as “M/s Bhushan Power and Steel Ltd. Vs. Saakar Metals” (Annexure P-1) including the Summoning Order dated 20.01.2009 (Annexure P-4) and the order dated 24.03.2022 (Annexure P-13) passed by learned JMIC, Chandigarh.

2. The summoning order was passed way back in 2009 and the instant petition has been filed on dated 11.07.2022 i.e. after delay of 13 years. This Court specifically put a query to the counsel for the petitioner that how come after a delay of so many years the instant petition seeking quashing of summoning order is maintainable, specifically when the trial is at the its advance stage. Learned counsel for the petitioner has placed reliance upon the order passed by the Co-ordinate Bench of this Court in CRM-M-30611 of 2010, a perusal of which shows that the petitioner earlier approached this Court for the same relief in the year 2019. However, this Court, without commenting upon the merits of the case, directed the petitioner to approach

the trial Court for moving an appropriate application. The petitioner, thereafter, filed an application for discharge which did not find favour by the learned trial Court. Now the petitioner, along with summoning order, has also challenged the impugned order dated 24.03.2022 passed by the trial Court.

3. Be that as it may be, the grievance of the petitioner is now rest upon the order dated 24.03.2022, which is a revisable order. The instant petition is a misconceived motion. The petition is therefore, dismissed. However, with liberty to raise the instant prayer before the appropriate Court for appropriate motion.

4. Dismissed accordingly.

(KULDEEP TIWARI)
JUDGE

11.12.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No