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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19239-2018 (O&M)
Date of Decision: 28.03.2023

**M/S FARID COTTON GINNING FACTORY (RICE MILLS)
THROUGH RAMANDEEP SINGH**

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. C.S. Bakshi, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. S.S. Bedi, Advocate, for respondent Nos. 2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to consider and decide the representation Annexure P-4 dated 14.12.2017 and Annexure P-5 dated 12.02.2018 given to respondent-Corporation by making a request to consider and decide the case of the petitioner as per One Time Settlement (OTS) issued by the Government of Punjab vide Annexure P-3.

Learned counsel appearing on behalf of the petitioner submitted that it is a case where there was a dispute which arose between the petitioner-firm and respondent No.2-Corporation and the said dispute was

thereafter referred to Arbitrator regarding which an Award was also passed vide Annexure P-1. Thereafter even objection application was filed before the learned District Judge which was also dismissed in the year 2013. He submitted that the property of the petitioner was also put to sale but as of today, the same has not been sold. He further submitted that thereafter in the year 2017, the Government of Punjab came out with a policy pertaining to One Time Settlement with the rice-millers vide Annexure P-3 and in pursuance of the aforesaid policy, the petitioner had filed application /representation to respondent No.2-Corporation vide Annexure P-4 and P-5. He submitted that respondent No.2-Corporation has not considered the aforesaid representation in terms of the policy which was made by the Government of Punjab and according to the petitioner, he was entitled for benefit under the aforesaid OTS Scheme. He further submitted that it was due to inaction on the part of respondent No.2-Corporation that the petitioner has suffered loss since he is ready and willing to pay the amount on the basis of the OTS Scheme. He further submitted that at this stage the petitioner confines the scope of the present petition only to the extent that at least his representations be considered in accordance with law and a final decision be taken in that regard.

Mr. S.S. Bedi, learned counsel appearing on behalf of respondent-Corporation has submitted that it is correct that the representations filed by the petitioner are pending before the respondent-Corporation but the petitioner is not entitled for the grant of benefit under the OTS Scheme.

I have heard the learned counsel for the parties.

The grievance of the petitioner is that although an arbitration award was passed against the petitioner and even objections were dismissed but it was thereafter that the State of Punjab had issued a policy for grant of OTS and it is the case of the petitioner that the petitioner was entitled for relief under the aforesaid OTS Scheme which was framed after the dismissal of the objections. Learned counsel for the petitioner has confined the scope of the present petition at this stage only to the extent that at least his representations be considered in accordance with law in terms of the OTS Scheme (Annexure P-3). Learned counsel for the respondent-Corporation has also stated that the representations of the petitioner are still pending. Therefore this Court deems it fit and proper to dispose of the present petition with a direction to respondent No.2 to consider and decide the representations Annexure P-4 and P-5 filed by the petitioner strictly in accordance with law after hearing the petitioner or his counsel within a period of three months from today and thereafter pass a well-reasoned speaking order. The said order shall be communicated to the petitioner.

The present petition is disposed of accordingly.

28.03.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No