

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

CWP-17250-2023

Date of decision : 08.08.2023

M/s Nyssa Retail Pvt. Ltd

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kshitij Sharma, Advocate for
Mr. Shobhit Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court for issuance of directions to official respondents that the recovery certificate dated 27.04.2023 issued by respondent No.1 and served upon the petitioner on 20.07.2023 be quashed/set aside because firstly the said recovery certificate arises out of an insufficiently stamped award dated 02.12.2022 passed by the Haryana Micro and Small Enterprises Facilitation Council-respondent No.2; secondly, the said award dated 02.12.2022 passed by Haryana Micro and Small Enterprises Facilitation Council was liable to be impounded by respondent No.1, due to insufficient stamp duty paid by respondent No.4; thirdly, only Rs.101/- has been paid as stamp duty for the arbitral award against stamp duty of 1% of the value of the property, which in the present factual scenario is Rs.1,19,118/- as per Indian Stamp (Haryana Amendment) Act, 2018.

Learned counsel for the petitioner at the outset submits that the Collector, Faridabad had sent the case of recovery to the Divisional Commissioner, New Delhi but the jurisdiction for the redressal of the

grievance of the petitioner lies before the Collector, Faridabad and as the petitioner has not been provided as opportunity for filing his objections, he is aggrieved by the same and he be provided the opportunity for filing objections. He also submits that the petitioner has also sent representation (Annexure P-5) to respondent No.1 through email.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG, Haryana accepts notice on behalf of the State.

After hearing counsel for the parties and perusing the record, the present petition is disposed of with liberty to the petitioner to approach the concerned Collector, Faridabad for redressal of his grievances and raise the objections as per law, within a period of two weeks from today.

Till then recovery certificate dated 27.04.2023 would be kept in abeyance. Needless to say if the petitioner does not approach the concerned Collector for the redressal of his grievances within the period as mentioned, this order would be of no avail to him. If any such petition is filed by the petitioner, learned Collector, Faridabad is directed to decide the same in accordance with law, preferably, within a period of two months thereafter.

08.08.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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