

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CWP-20206-2023

Date of decision: 13.09.2023

M/S ROCKMAN INDUSTRIES LTD

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Pawan Kumar Goklaney, Advocate and
Mr. Ashish Goklaney, Advocate for the petitioner.

Mr. S.S. Bhinder, Advocate with
Mr. D.S. Bhinder, Advocate and
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the Memo No.-
PSDM/2023/2209 dated 20.07.2023 whereby the respondents have
directed a recovery of Rs. 96,90,670/- from the petitioner without
assigning any reasons.

Learned counsel appearing on behalf of the petitioner
contends that the petitioner has been communicated the impugned order
which is non-speaking and does not refer to any default/defect or
deficiency on the part of the petitioner as would justify the above said
recovery. He contends that no opportunity of hearing was granted to the
petitioner before passing of such an order and therefore the said order is
unsustainable and is liable to be set aside. The order being in violation

of the principles of natural justice, he approach this Court directly under writ jurisdiction.

Notice of motion.

Mr. S.S. Bhinder, Advocate with Mr. D.S. Bhinder, Advocate appears and accepts notice on behalf of respondents.

Counsel appearing on behalf of respondents informs that as per the Memorandum of Understanding entered between the petitioner as well as respondents on 30.12.2019, there is an arbitration and alternative dispute resolution mechanism in clause 8.

Counsel appearing on behalf of respondents also refers to the Standard Operating Procedure as also notified and as per the same, a Project Implementing Agency like the petitioner has right to appeal against the penalty before the Appellate Authority and that vide Office Order No. 1182 dated 09.06.2022, an Appellate Authority has already been notified.

Hence, the appellate authority competent to hear the appeals would be the Secretary, Employment Generation and Training.

Faced with the availability of alternative efficacious remedy, counsel for the petitioner does not press the instant petition with liberty to file an appeal before the competent/appellate authority and to raise all pleas before such authority.

Needless to mention that in the event of any such appeal being preferred, the competent authority shall make an endeavour to expeditiously decide the same and especially the application, if any, for seeking any interim relief.

Petition is accordingly disposed of as not pressed with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 13, 2023

Vishal sharma

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