

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

CWP-10166-2024 (O&M)

Date of decision: 03.05.2024

M/s BJS Spinners, situated at Plot No.D-280, Phase-VIII, IFP, Ludhiana
through its proprietor Paramjit SinghPetitioner

Versus

State of Punjab and anotherRespondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Talwant Singh, Senior Advocate, with
Mr. Jashandeep Singh, Advocate, and
Mr. I.S. Dhaliwal, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the impugned letter dated 14.03.2024 (P-15), issued by the Estate Officer, Punjab Small Industries & Export Corporation Limited (respondent No.2), vide which, the petitioner was asked to remit the outstanding dues, submit the building plans for necessary approval till 31.03.2024, commence construction at site up to 30.06.2024, and to commission the unit by 30.09.2024, failing which, the site would be resumed.

Learned Senior counsel for the petitioner submits that vide letter of allotment dated 28.12.1996 (P-3), plot No. D-280, measuring 2645.75 square yards, Industrial Focal Point, Phase VIII, Ludhiana, was originally allotted to M/s Nishant Steel Industries. Further, he submits that allotment was made for the purpose of manufacturing, spinning and textile plant on a 99 years lease. Whereafter, possession was also delivered to the original allottee on 22.03.1997. Subsequently, the said plot/site was purchased by the father of the proprietor of the petitioner-firm. Accordingly, vide letter dated 05.02.2003 (P-4), the respondent-

Corporation transferred the same in his favour, and a lease deed dated 26.09.2006 (P-5), was also executed between the parties. He submits that, in fact, the site had already been constructed in the year 2007 itself, and even the unit is functional. In essence, he submits that the grievance of the petitioner is that the repeated demand notices, it has been served with, are arbitrary. For the amount that is alleged to be due/outstanding against the petitioner has been erroneously worked out. No doubt, he asserts that the petitioner had defaulted in payment of some dues, but it was owing to certain unforeseeable circumstances, such as COVID-19 and non-development of the project. It is urged that prior to the institution of the petition, the petitioner had even served the respondent authorities with a representation dated 28.03.2024 (P-16), but to no avail. Further, he submits that given the nature of the dispute, the petitioner is open to mediation and also to have the matter amicably resolved, in any which way. So much so, a direction, in terms of clause 23 of the lease deed (*ibid*) to settle the dispute by way of arbitration, is also prayed for.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, for the respondents, is present in Court. At the outset, he submits, for the authorities are already in seisin of the representation submitted by the petitioner (*ibid*), it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to examine its concerns/grievances and pass necessary orders, in accordance with law. He submits that before any such orders are passed, authorised representative(s) of the petitioner shall be heard. And a formal communication in this regard shall be issued, well in advance. Further, the petitioner shall be at liberty to furnish any fresh material/documents to support/supplement its claim, within a week from today, which shall be taken cognizance of, while passing the final orders.

Learned Senior counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the matter being time sensitive, the authorities be directed to finally decide the matter, within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of four weeks from today.

In the wake of the above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And, a comprehensive order, citing reasons in support thereof, shall be passed within the time indicated by the learned State counsel.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

03.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No