

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8552-2024
Date of decision: 19.04.2024

M/s Dhawan ProcessorsPetitioner

Versus

State of Punjab and anotherRespondents

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

Present: Mr. Shreenath A. Khemka, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the demand notice dated 14.03.2024 (P-8), issued by Punjab Small Industries and Export Corporation Limited (respondent No.2), vide which, a demand of Rs.19,98,410/-, has been raised against the petitioner on account of enhanced land cost, with interest, as on 31.03.2024. And a Mandamus is also prayed for, to command the respondents to construct a Collective Effluent Treatment Plant at the site, that has been earmarked therefor, per advertisement dated 25.04.1993 (P-2).

Learned counsel for the petitioner submits that an industrial plot/site No.E-699, Industrial Focal Point, Phase VIII, Ludhiana, was allotted to M/s Jamna Udyog. Whereafter, the petitioner purchased the said site and the respondent-Corporation executed the lease deed dated 08.08.2011 (P-6), in its favour. Further, he submits that the site was allotted for the purpose of manufacturing, knitting, dyeing and processing of cloth and yarn. It is submitted that the limited grievance that the petitioner has is: vide impugned demand notice, the petitioner has been granted final extension to construct the site and commission the unit, by 30.09.2024. Further, it has been asked to ensure that payment of all

pending dues, as on 31.03.2024, are clear, failing which, the allotment shall be cancelled and the site shall be resumed. He asserts that although, the petitioner has already submitted a response/objection(s) dated 30.03.2024 (P-9) to the impugned notice, but apparently, the action of the Corporation is palpably erroneous and arbitrary. It is urged that earlier, the Corporation had raised a demand towards additional price of the allotted plot/site, owing to enhancement in the cost of acquisition, @ Rs.249/- per square yard in the year 2009, which was made good by its predecessor. Whereafter, even the petitioner had deposited the requisite amount, in terms of subsequent demand, i.e. @ Rs. 474/- per square yard, in the year 2022.

In reference to the decision dated 11.02.2010, rendered by this Court in **CWP-2435-2010 (M/s Luxmi Caste Forge Vs. State of Punjab and others)**, he asserts that the impugned demand notice is in apparent violation of the said decision, and thus, is unsustainable. At any rate, it is urged that before finalizing the demand, the petitioner was not served with any notice or afforded an opportunity to submit objections. Therefore, interest/rights of the petitioner are severely impacted.

Served with the advance copy of the petition, Mr. Shekhar Verma, learned Additional Advocate General, Punjab, is present in Court. At the outset, he, on instructions from Mr. Abjit Singh Kang, Law Officer, PSIEC, submits, for the objections/reply submitted by the petitioner (*ibid*), is pending consideration before the competent authority, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to examine the matter and pass necessary orders, in accordance with law, as expeditiously as possible. Further, he submits that before any such orders are passed, the petitioner shall be heard. And a formal communication in this regard shall be issued, well in advance. However, he fairly submits that till any conclusive and formal decision is taken, no coercive measures shall be resorted to, against the petitioner.

Learned 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.

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 as undertaken by the learned State counsel, a comprehensive order, citing reasons in support thereof, shall be passed, as expeditiously as possible

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

19.04.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No