

2024:PHHC:063122



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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Date of Decision: 06.05.2024.

(1)

CWP-12363-2016 (O&M)

GENEX INFRATECH LIMITED AND ANR

... PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

... RESPONDENTS

(2)

CWP-10386-2016 (O&M)

GENEX POLYFAB LIMITED & ANR

... PETITIONERS

VERSUS

STATE OF MAHARASHTRA & ORS

... RESPONDENTS

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(3) COCP-1282-2020 (O&M)
ROHIT GUPTA
... PETITIONER
VERSUS
GENEX INFRATECH LIMITED AND ORS
... RESPONDENTS

(4) COCP-1600-2020 (O&M)
ROHIT GUPTA
... PETITIONER
VERSUS
VARINDER KUMAR SHARMA AND OTHERS
... RESPONDENTS

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

Present: **Mr. Aayush Gupta, Advocate,**
 for the petitioner(s).

 Mr. Brijender Kaushik, Advocate,
 for the petitioner in COCP-1282-2020 and COCP-1600-2020
 and for applicant-respondent No.9 in CWP-12363-2016.

 Ms. Harpriya Khaneka, DAG, Punjab.

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VINOD S. BHARDWAJ, J. (ORAL)

CM-19082-CWP-2019 IN CWP-12363-2016 AND

CM-19075-CWP-2019 IN CWP-10386-2016

The instant applications have been filed under Section 151 of the Code of Civil Procedure, 1908, for recalling the order dated 29.08.2019 whereby CM-12236-CWP-2019 in CWP-12363-2016 and CM-12231-CWP-2019 in CWP-10386-2016 praying for withdrawal of the main writ petitions were allowed and the main cases were ordered to be dismissed as withdrawn.

The applications were filed in the year 2019, however, there is no objection to the same on behalf of the respondents in case the same is allowed.

Accordingly, in the interest of justice, the present applications are allowed and the order dated 29.08.2019 is recalled. The main writ petitions are taken up for hearing.

CM-1111-CWP-2020 IN CWP-12363-2016

Application is allowed as prayed for subject to all just exceptions.

Amended Memo of Parties is taken on record.

The Registry is directed to tag the same at an appropriate place.

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CM-1127-CWP-2021 IN CWP-12363-2016

Application is allowed as prayed for subject to all just exceptions.

Annexures P-10 to P-15 are taken on record.

The Registry is directed to tag the same at an appropriate place.

CM-4446-CWP-2021 IN CM-6549-2020 IN CWP-12363-2016

Application is allowed as prayed for subject to all just exceptions.

Annexures R-9/1 to R-9/4 are taken on record.

The Registry is directed to tag the same at an appropriate place.

Main cases

Present bunch of petitions raise a similar issue and are thus, being decided by a common judgment.

For the facility of reference, the facts are being extracted from **CWP-12363-2016**, titled as **GENEX INFRATECH LIMITED AND ANR V/S THE STATE OF MAHARASHTRA AND ORS.**

Challenge in the writ petition was to the Notification dated 28.08.2014 (Annexure P-2) and Notification dated 12.03.2015 (Annexure P-3), issued by the State of Maharashtra whereby the property and the bank accounts of the petitioner had been ordered to be attached.

Learned counsel appearing for the petitioner contends that the order of attachment had been passed by invoking Section 4 of the Maharashtra Protection of Interest of Depositors (in Financial

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Establishments) Act, 1999. He submits that the similar controversy was pending before this Court in a bunch of writ petitions which was disposed of vide order dated 25.10.2017 passed in CWP-11189-2014 titled as 'White Water Foods Pvt. Ltd. and another Vs. State of Maharashtra and others.'

This Court noticed that the authorities i.e. Union Territory of Chandigarh and State of Punjab and Haryana, have merely acted on the basis of communications/notices received from the appropriate authority of the State of Maharashtra and that the writ petitions would not be maintainable before this Court. The petitioners were thus advised to take recourse to their remedies as per law and before Competent Court in the State of Maharashtra.

In view of aforesaid submission made on behalf of the petitioner, the writ petitions CWP-12363-2016 and CWP-10386-2016 are disposed of in terms of order dated 25.10.2015 passed in CWP-11189-2014 'White Water Foods Pvt. Ltd. and another Vs. State of Maharashtra and others.'

Needless to mention that in the event petitioners take recourse to their appropriate remedy before the competent forum/authority/Court in the State of Maharashtra, the period during which the writ petitions have remained pending before this Court shall be taken into consideration while computing the period of limitation.

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The sale deed executed by the petitioner, if any, shall have no bearing on the rights of the parties and appropriate decision be taken thereupon by the competent authority.

CM-19083-CWP-2019 IN CWP-12363-2016

CM-6549-CWP-2020 IN CWP-12363-2016 and

CM-11549-CWP-2016 IN CWP-12363-2016 and

CM-19084-CWP-2019 IN CWP-10386-2016

Since the main writ petition have been disposed of, the present misc. applications also stand disposed of accordingly.

COCP-1282-2020 AND COCP-1600-2020

CM-693-CII-2021 IN COCP-1282-2020

Application is allowed as prayed for subject to all just exceptions.

Annexures R-3/1 to R-3/8 are taken on record.

The Registry is directed to tag the same at an appropriate place.

CM-2911-CII-2021 IN COCP-1282-2020

The present application had been filed by the applicant-petitioner Rohit Gupta under Order 1 Rule 10 of the Code of Civil Procedure, 1908, for impleading persons mentioned in the heading as well as in para no.2 of the application as respondents No.5 to 9.

Learned counsel for the applicant-petitioner does not press the instant application.

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The present application is accordingly dismissed as not pressed.

CM-2910-CII-2021 IN COCP-1600-2020

The present application had been filed by the applicant-petitioner Rohit Gupta under Order 1 Rule 10 of the Code of Civil Procedure, 1908, for impleading persons mentioned in the heading as well as in para no.2 of the application as respondents No.7 to 10.

Learned counsel for the applicant-petitioner does not press the instant application.

The present application is accordingly dismissed as not pressed.

In view of the order passed in the main writ petitions, the contempt petitions are also disposed of accordingly.

Any other pending, misc. application(s), if any, in any of the main case shall also stand(s) disposed of accordingly.

May 06, 2024.
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(VINOD S. BHARDWAJ)
JUDGE

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