



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32078-2024

Date of Decision: 28.11.2024

Garib Nawaz Hotels Private Limited

....Petitioner

Versus

The Chandigarh Administration and Others

....Respondents

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

Present: Mr. Anand Chhibbar, Senior Advocate with
Mr. Vaibhav Sahni, Advocate;
Ms. Preeti Yadav, Advocate and
Mr. Utkarsh Khatana, Advocate
for the petitioner.

Mr. Amit Jhanji, Senior Advocate with
Mr. Jaivir Chandail, Advocate and
Mr. Mayank Sharma, Advocate
for the respondents.

VIKRAM AGGARWAL, J.

1. The petitioner has prayed for the following substantive relief:-

“Civil writ petition under Article 226 and 227 of the Constitution of India for issuance of writ in the nature of mandamus directing respondent no. 1 to decide the Revision Petition No. 18 of 2023 (Annexure P-10) dated 05.06.2023, titled as M/s Garib Nawaz Hotels Private Limited versus The Chief Administrator and Others pending adjudication before it, expeditiously in a time bound manner since the petitioner company is undergoing time bound corporate insolvency resolution process;

AND/OR

Further issue a writ in the nature of mandamus directing the respondents to allow the petitioner company, through its resolution professional to deposit the total outstanding lease amount along with interest in respect of plot No. 29/7, Industrial Area, Phase-II, Chandigarh, 160002, in order to reinstate the lease in favour of the petitioner company, in the interest of justice and in order to fulfil the objectives of the Insolvency & Bankruptcy Code, 2016.”

2. At the outset, learned Senior counsel for the petitioner submits that the sole grievance of the petitioner, at this stage, is that the revision petition (Annexure P-10) preferred by the petitioner in June 2023 was last taken up on 27.03.2024 and is now

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fixed for 19.12.2024. He submits that the delay in decision of the revision petition is causing a huge loss to the petitioner.

3. Learned Senior counsel representing the respondents, on the other hand, very fairly submits that the petitioner would be at liberty to prefer an application for preponement of the date of hearing which the authority would decide on its own merits and if feasible, the hearing would be postponed. Learned Senior counsel further submits that all possible efforts shall be made to dispose of the revision petition on 19.12.2024. In case and if for any reason, the same is not decided on 19.12.2024, it shall positively be decided within a maximum period of 10 days thereafter.

4. Learned Senior counsel representing the petitioner is agreeable to the aforesaid course suggested by learned Senior counsel representing the respondents and submits that the writ petition be disposed of in the said terms.

5. Consequently, the writ petition is ***disposed of*** in terms of the statements given by learned counsel for the parties binding them to the same.

6. This Court is sanguine that the authority concerned shall consider the matter and give a decision on merits within the time frame mentioned in the preceding paragraphs in accordance with law.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

28.11.2024

Prince Chawla

Whether speaking/reasoned :

Yes/No.

Whether reportable :

Yes/No.