

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

RSA-1711-2014

Date of decision: 20.01.2025

M/S SHARMA TEXTILE & GENERAL INDUSTRIES

..Appellant

Versus

HARYANA FINANCIAL CORPORATION AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Roopak Bansal, Advocate
for the appellant.

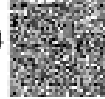
ANIL KSHETARPAL, J(Oral)

1. Factual background:-

1.1 The correctness of concurrent findings of fact arrived at by the Courts below is assailed in this appeal by the plaintiff in this regular second appeal.

1.2 The brief facts as given by learned counsel representing the appellant are required to be noticed.

1.3 The appellant borrowed two loans of Rs.2,00,000/- and Rs.4,00,000/- from Haryana Financial Corporation, which is an instrumentality of Haryana State. There was default in repayment of the aforesaid amount. Initially, the Corporation came out with a one time settlement scheme on 27.03.2000. The appellant deposited Rs.5,00,000/- immediately for considering his application under one time settlement scheme, however, settlement could not be arrived at. The appellant filed CWP-9337-2002, in which the Court directed the appellant to pay



Rs.30,00,000/-, however, the appellant deposited Rs.25,00,000/-. On 24.03.2003, the Court further directed payment of Rs.45,00,000/-, however, appellant failed to deposit the same. Ultimately, the writ petition was withdrawn by the appellant. A fresh one time settlement scheme was issued on 17.07.2003. At that time, the total dues against the appellant were more than Rupees Two Crores. On an application submitted by the appellant, the amount was settled under new one time settlement scheme. The appellant further deposited Rs.5,25,274/-. 'No Dues Certificate' was issued to the appellant. Subsequently, he filed CWP-2488-2005, seeking refund of amounts deposited previously. The Court directed the appellant to file an appropriate case before the appropriate forum. Hence, the plaintiff filed the present suit for recovery of Rs.35,00,000/-.

1.4 The defendant contested the case. Both the Courts dismissed the plaintiff's suit.

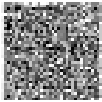
2. Arguments on behalf of parties:-

2.1 This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

2.2 Learned counsel for the appellant submits that amount of Rs.5,00,000/- deposited pursuant to scheme dated 27.03.2000, was never credited in the account of the appellant, hence, at least that amount is refundable.

3. Analysis and discussion:-

3.1 In order to recover the public money, which is normally not recoverable or there is unreasonable delay, the one time settlement schemes are floated. The purpose of one time settlement scheme is to recover the maximum amount possible to be recovered. In 2003, the total dues against



the appellant were more than Rupees Two Crores. Rs.30,00,000/- was already lying with the respondent-Corporation. Thus, for a meagre amount of Rs.5,25,274/-, the settlement was arrived at. The appellant also obtained ‘No Dues Certificate’ from respondent. Hence, there is no occasion for the Corporation to refund the amount, which has already been deposited.

4. Decision:-

4.1 Keeping in view the aforesaid facts, no ground to interfere is made out.

4.2 Dismissed accordingly.

January 20th, 2025

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(ANIL KSHETARPAL)
JUDGE

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