



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-70288-2025

Date of decision: 12.12.2025

Tavisha Hotel and Resorts Pvt Ltd & Anr

.....Petitioners

Versus

Monte Grand Country Resort (Skywood Hotel and Resort)

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Pushpinder Kaushal, Advocate for the petitioners.

AARADHNA SAWHNEY, J (ORAL)

1. By virtue of present petition, petitioners are praying for quashing order dated 02.8.2025 (Annexure P-12) passed by learned Judicial Magistrate Ist Class, SAS Nagar in NACT case No. 690-2021, titled "Monte Grand Country Resort v. Tavisha Hotel and Resort Pvt. Ltd. and Ors", vide which application filed by complainant-respondent under Section 143-A of Negotiable Instruments Act (in short "NI Act") was allowed and petitioners were directed to deposit 15% of the cheque amount.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:--

"NACT Case No. 473-2021, titled "Monte Grand Country Resort v. Tavisha Hotel and Resort Pvt. Ltd.", was filed by complainant-respondent through its Director Ravi Jagwani against petitioners alleging therein that petitioners and accused No.3 approached complainant with a request to allow them to occupy the premises of respondent on lease basis for a period of five years. Offer was accepted. Parties agreed that lease money would be Rs.1,50,000/- per month. Complainant alleged that in discharge of legal liability against the lease money, two cheques (details mentioned in para 6 of the complaint) were issued by petitioners, which when presented were dishonoured. Pursuant thereto, legal notice was issued upon them. Since the needful was not done by petitioners, hence, the complaint was filed.



After preliminary evidence was recorded, petitioners were summoned to face trial under Section 138 of NI Act vide order dated 10.10.2021 (Annexure P-6).”

Documents appended along with the petition reveal that both the complaint and summoning order were assailed by petitioners before this Court in CRM-M-51886-2023, where, notice of motion has been issued to respondent-complainant.

Meanwhile, during the pendency of the complaint (NACT No. 690-2021, titled 'Monte Grand Country Resort v. Tavisha Hotel and Resorts Pvt. Ltd. and others'), application in question dated 5.3.2025 (Annexure P-10) under Section 143-A of NI Act was filed vide which prayer was made to direct petitioners to deposit 20% of the cheque amount as interim compensation. Detailed reply was filed by present petitioners opposing the same. However, in terms of impugned order dated 2.8.2025 (Annexure P-12), application was allowed and petitioners were directed to deposit 15% of the cheque amount.

3. In brief, the submission of learned counsel for petitioners is that the pleas taken by them in the reply dated 24.4.2025 have not been addressed/taken note of by learned trial Court. The impugned order has been passed in a routine mechanical manner. Disputed questions of law and fact are yet to be adjudicated, finding recorded by learned trial Court are totally contrary to the pleas raised by the petitioners. Further, even the judgments referred to by petitioners were neither discussed nor dealt with by learned trial Court. Learned counsel next submits that respondent-complainant did not approach the Court with clean hands inasmuch as the factum of petitioners-accused having replied to the legal notice served upon them, was also not mentioned in the complaint. It is in the light of submissions advanced hereinabove, that prayer has been made to direct learned trial Court to pass a well reasoned speaking order by taking note of the pleas raised by the



4 Heard. Contents of reply dated 24.4.2025 filed by petitioners perused as also the impugned order dated 2.8.2025 (Annexure P-12) have been read.

5. In view of the prayer made by learned counsel for the petitioners and in the interest of justice, matter is remanded back to the learned trial Court to decide the application moved by respondent-complainant afresh, after discussing/dealing with the pleas raised by the accused-petitioners in reply, in accordance with law. Needful be done, after hearing both the parties, within a period of four weeks from the date of receipt of certified copy of the order.

6. Petition stands disposed of accordingly.

12.12.2025
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No