HC-KAR

NC: 2026:KHC:60889
WP No. 17581 of 2024

CNR: KAHC010378082024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 2ND DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA**

**WRIT PETITION NO. 17581 OF 2024 (GM-FOR)**

**BETWEEN:**

M/S ASSOCIATE DECOR LIMITED
(COMPANY UNDER CORPORATE
INSOLVENCY RESOLUTION PROCESS)
REPRESENTED BY RESOLUTION PROFESSIONAL
MR. ALOK KAILASH SAKSENA
RESOLUTION PROFESSIONAL
(COMPANY UNDER CORPORATE INSOLVENCY
RESOLUTION PROCESS)
C/O DESAI SAKSENA AND ASSOCIATES
CHARTERED ACCOUNTANTS
HAVING ITS OFFICE AT 1ST FLOOR
LAXMI BUILDING, SIR PHIROZSHAH
MEHTA ROAD, FORT
MUMBAI-400 001
COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956
ALSO HAVING ITS REGISTERED OFFICE
AT PLOT NO.1, PHASE 4
KIADB INDUSTRIAL AREA
MALUR TALUK, KOLAR DISTRICT
KARNATAKA-563 160

Digitally signed by
PREMACHANDRA
M R
Location: HIGH
COURT OF
KARNATAKA

...PETITIONER

(BY SRI: AJAY RAO, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY

FOREST DEPARTMENT
AMBEDKAR BHEEDHI
SAMPANGI RAMA NAGARA
BENGALURU
KARNATAKA-560 001

2. PRINCIPAL CHIEF CONSERVATOR OF FORESTS
(HEAD OF THE FOREST FORCE)
KARNATAKA
ARANYA BHAVAN, MALLESHWARAM
BENGALURU-560 003

3. DEPUTY CONSERVATOR OF FORESTS
KOLAR FOREST DIVISION
(OFFICE OF THE CONSERVATION FOREST)
443V+CMC, KOLAR
KARNATAKA

…RESPONDENTS

(BY SRI: M SRINIVAS KUMAR, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE OFFICIAL MEMORANDUM BEARING NO.A8/AA.CHI/C.R/2024-25 DATED 29.06.2024 (ANNEXURE-T) ISSUED BY RESPONDENT NO.3 AND CONSEQUENTLY DIRECT THE RESPONDENT NOS.2 AND 3 TO ISSUE THE PROPERTY MARK REGISTRATION OF THE PETITIONER FOR THE YEAR 2024-25 PURSUANT TO APPLICATION DATED 22.03.2024 (ANNEXURE-P) FILED WITH THE RESPONDENT NO.3.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

**ORAL ORDER**

The petitioner, a Company registered under the Indian Companies Act, 1956, is presently under the Corporate Insolvency Resolution Process (CIRP) and therefore, the petitioner - Company is represented by the Resolution Professional.

2. The cause of action for the petitioner to approach this Court is that the petitioner - Company had approached respondent No.3 for renewal of property mark registration certificate for the year 2024-2025 by filing an application on 22.03.2024 with all necessary information and documents. In response to the application filed by the petitioner, the Range Forest Officer, Malur Zone issued a Communication dated 18.06.2024 calling upon the petitioner to produce the details of the wood procured, used and the present stock, so also, the wood for which the exemption is provided.

3. In response to the same, the petitioner has furnished the information through letter dated 24.06.2024. It is thereafter, the Range Forest Officer, Malur zone issued a Communication dated 29.06.2024 referring to the notice dated

18.06.2024 and called upon the petitioner to produce the copies of all the licenses or permit in triplicate on the same day i.e., on 29.06.2024. On the very same day, another Communication dated 29.06.2024 was issued calling upon the petitioner to produce the details of the forest produce received on 28.06.2024 in the form of license-wise details. Holding that the information required through the aforesaid two notices were not produced by the petitioner, the Official Memorandum dated 29.06.2024 was issued by respondent No.3 rejecting the request of the petitioner for issue of property mark registration certificate. In the Official Memorandum, there is a reference to the spot inspection conducted by the Range Forest Officer, Malur Zone, which is also on 29.06.2024.

4. The contention of the writ petitioner is that, respondent No.3 and the Range Forest Officer, having issued notices for production of the documents on 29.06.2024, directing the petitioner to produce all the information and documents called upon as per Annexures-S1 and S2, proceeded to pass the impugned order on the very same day on the ground that the documents and information required by them

are not produced, which amounts to violation of principles of natural justice. Inasmuch as, no sufficient time had been provided for production of the documents sought by respondent No.3.

5. Learned counsel for the petitioner relying upon sub-Rule (2) of Rule 153 of the Karnataka Forest Rules, 1969, submits that the Deputy Conservator of Forest, may refuse or defer the registration of property mark after giving an opportunity of being heard in the matter to the person affected. In the present case, as noticed supra, the notice issued calling upon the petitioner to produce the documents and information and the spot inspection are all on the same day, so also, the impugned order. There has been no sufficient time for the petitioner to produce the required documents and information. No personal hearing was afforded to the petitioner before passing the impugned order. The approach of respondent No.3 in passing the impugned order on the date of issuance of the notice calling upon the information and documents is contrary to sub-Rule (2) of Rule 153 of the Rules, 1969. What was the necessity for passing the order refusing to issue licence of

property mark certificate on the very same day of issuance of the notice is not forthcoming from the impugned order.

6. On careful perusal of the impugned order, it is seen that the said order has been passed on the ground that the required documents are not produced. The order impugned is liable to be set at naught not only on the ground of violation of principles of natural justice, but also on the ground of impugned order being contrary to Rule 153 of the Rules.

7. In the result, the following:

**ORDER**

(i) The writ petition is ***allowed.***

(ii) The Official Memorandum dated 29.06.2024 issued by respondent No.3 at Annexure-T is set aside.

(iii) The petitioner is permitted to produce all the relevant documents and information called for by respondent No.3 in the Communication dated 29.06.2024 at Annexurs-S1 and S2 within a period of 2 weeks from the date of receipt of the certified copy of this order.

(iv) On receipt of the information and documents from the petitioner, respondent No.3 is directed to consider the application dated 22.03.2024 and pass appropriate orders strictly in terms of Rule 153 of the Karnataka Forest Rules, 1969 within an outer limit of four weeks from the date of submission of the documents by the petitioner.

(v) Till such time, respondent No.2 passing the order on the application of the petitioner, the interim order passed in the present writ petition shall remain in force.

**Sd/-**
**(T.P.VIVEKANANDA)**
**JUDGE**

BGN
List No.: 1 Sl No.: 43