

(2011) 03 P&H CK 0686

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 5475 of 2011

Punjab Leather Federation

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: March 28, 2011

Hon'ble Judges: Rakesh Kumar Garg, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Rakesh Kumar Garg, J.

Challenge in this writ petition is to the alleged action of the Respondents of reviving the cancellation orders passed against the plot holders of the Petitioner-Society.

2. Admittedly, vide Annexure P-14 i.e. CM No. 11504 of 2006 in CWP No. 5307 of 2007, the Petitioner had challenged the aforesaid cancellation orders before this Court.

3. Upon notice issued on the said application, the Respondents had filed reply, wherein, it was stated that the orders of cancellation of the allotment of plots would be kept in abeyance. On the basis of these submissions, this Court had passed an interim order in favour of the Petitioner, vide Annexure P-15, on 18.7.2006, which reads as follows:

CM No. 11504 of 2006

Notice in the application.

Shri A.R. Takkar, Advocate accepts notice on behalf of the non-applicants and seeks time to file reply.

Adjourned to 4.8.2006

We are inclined to grant interim stay on the order dated 15.6.2006 (Annexure P.C.) On this, Mr. Takkar makes a statement that till the next date, no action will be taken

against the defaulting units.

CM No.11505 of 2006

C.M. Allowed. Additional affidavit along with annexures filed with the C.M. is taken on record.

C.W.P 5307 of 2000

We have gone through the order dated 15.6.2006 and also heard the learned Counsel for the parties. We are indeed surprised that this petition has been pending for the last six years, and Respondents inter-se, have not been able to decide who is to set up the FTP. We are also of the opinion that attempt of the Respondents is to either frustrate the setting up of the plant or create complications leading to a delay. We, accordingly, issue a direction that Respondents No. 1, 2 and 4 shall, within a period of two weeks from today, take a final decision with regard to setting up of the plant either by Respondent No. 4 or by the State Government or in the alternative by the Petitioner-Federation, which undertakes to set up the plant of 6.5.million gallons per day out of the sanction of Rs. 16 corers what has been allocated by the government and with the additional responsibility of running the plant henceforth. We also direct the learned Counsel for the Respondents to give us the timeframe during which they will complete the plants should they decided to construct the same as Mr. Rajiv Atma Ram says that the constructions by his clients will be completed within one year. We, therefore, direct Respondents No. 1, 2 and 4 to give instructions in writing to their counsel, which they will put on record on the next date.

Adjourned to 4.8.2006.

4. Thereafter, writ petition was disposed of by this Court vide judgment dated 11.9.2006. The relevant part of the judgment reads as under:

We have perused the affidavit filed by Shri H.S. Matharu, Executive Engineer, Punjab Small Industries and Export Corporation. We find that Respondents have finally taken a decision which seems to be the need of hour. We observe that a Special Purposes Vehicle will be constituted and the entire procedure for its operation etc. has been laid down in the affidavit. Since this matter has been pending for the last five years in this Court, we are of the opinion that this procedure should be accepted and steps to implement the proposals should be taken forthwith. It has also been pointed out by the learned Counsel for the parties that the Effluent Treatment Plant already installed is either not functioning or is not functioning efficiently and requires some additional funds so as to make it operational. Mr. Kakkar, the learned Counsel for the Punjab State Small Industries and Export Corporation states that his client would be willing to provide funds for the upgradation of the plant on a one time basis. We accordingly issue a direction that till such time the Effluent Treatment Plant is set up in terms of the affidavit of Shri H.S. Matharu, steps should be taken to

restore the existing plant and for that purpose the Punjab State Small Industries and Export Corporation will provide all necessary funds. We further direct that the necessary upgradation will be completed within a period of two years from today and the plant will thereafter be handed over to the Special Purposes Vehicle which is being set up, as already mentioned above. We also make it clear that the interim order granted to the Petitioners in these proceedings shall enure for a period of two years from today. We further make it clear that if there is any difficulty in implementing this order, any of the parties would be at liberty to move an application to the Court. Mr. Takkar states that a sum of about Rs. 40 lacs is due from the Petitioners, though this fact is denied by Mr. Rajiv Atma Ram. While disposing of the writ petition in terms of the settlement arrived at between the parties, we issue a further direction that this matter will also be left for decision by the Special Purposes Vehicle and the decision will be taken thereon within a reasonable time. Dasti.

5. Since the Petitioner has already challenged the cancellation orders in the aforesaid writ petition and it was observed that if there is any difficulty in implementing the said order, any of the parties would be at liberty to move an application to that Court, the present writ petition claiming the same relief is not maintainable. However, this order will not come in the way of the Petitioners for moving such an application in the aforesaid writ petition, if advised.

Dismissed.