
(2015) 04 GUJ CK 0037

In the Gujarat High Court

Case No : Special Civil Application No. 12954 of 2014

Pet Plastics Ltd. and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 09-04-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 04 GUJ CK 0037

Hon'ble Judges : S.H. Vora, J.; M.R. Shah, J.

Bench : Division Bench

Advocate : Devang Vyas, Advocates for the Respondent

Final Decision : Disposed off

Judgement

M.R. Shah, J.—By way of this petition under Article 226 of the Constitution of India the petitioners have prayed for the following relief;

"Your Lordships may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or a writ of certiorari or a writ in the nature of certiorari or any other writ, order or direction quashing the impugned order/communication dated 28-29/05/2014 issued by respondent No. 2 to an extent to which the same holds against the petitioner company" 2. At the outset it is required to be noted that as such there was dispute with respect to the outstanding rental dues. As the amount, outstanding rental dues, was not paid, which according to the appropriate authority was to the extent of Rs. 33,91,785/-, petitioner No. 1 was not issued the LOP. However, it appears that in the case of the very petitioner recommendation letter dated 13/06/2006 was passed by the Grievance Redressal Committee in respect of waiver of rent and interest from 1996-01 with respect to 13 sheds. It appears that the recommendation letter dated 13/06/2006 passed by the Grievance Redressal Committee was pending for consideration by the Ministry of Commerce and Industry, Department of Commerce, New Delhi and consequently, despite the recommendation by the Grievance Redressal Committee, the DGFT considered the outstanding rental dues to the extent of Rs.

33,91,785/-.

3. In response to the notice issued by this Court, Shri Saurabh Amin, learned advocate has appeared on behalf of the concerned respondents, more particularly, respondents Nos. 1 to 3. An affidavit-in-reply is filed on behalf of respondents Nos. 2 and 3. In paras 3.2 to 3.4 it is stated as under;

"3.2 With reference to recommendations dated 13/06/2006 passed by the Grievance Redressal Committee in respect to waiver of shed rent and interest for the period from 1996 to 2001 in respect of 13 sheds, this office has now received a letter No. D.11/12/2014-SEZ dated 25/03/2015 from Ministry of Commerce and Industry, Department of Commerce, SEZ Division, New Delhi (newly added respondent No. 3). As per the said letter, the decision of the Grievance Redressal Committee has been accepted by the Government. As per the relevant records of the DGFT said order dated 13/06/2006 has been verified to be genuine. A copy of the said letter is annexed herewith as Annexure R-1

3.3 With reference to this office letter dated 29/05/2014 the outstanding rental dues was Rs. 33,91,785/-. In this regard, a worksheets regarding thirteen sheds for pending rental dues for the period (i) prior to 1996, (ii) 1996 to 2001 and (iii) two shed (shed No. 30 and 53) from 2002 to till 31/03/2015 have been prepared. As per the same, pending rental dues prior to 1996 is Rs. (-) 1,10,485/- (excess payment deposited by the petitioner), for the period 1996 to 2001 is Rs. 18,20,731/- and for the period from 2002 to 31/03/2015 is Rs. 10,77,946/-. A copy of the said worksheet is annexed herewith as Annexure R-2.

3.4 With the implementation of Grievance Redressal Committee order dated 13/06/2006, shed rent of 13 sheds of the petitioner now comes to Rs. 9,67,461/- (Rs. 10,77,946.00 - Rs. 1,10,485.00) as on 31/03/2015 which is required to be paid by the petitioner."

4. In view of the above, it appears that now, i.e. as on 31/03/2015 a sum of Rs. 9,67,461/- is due and payable, which petitioner No. 1 has accepted to pay and/or even otherwise is bound to pay before any LOP is issued by the appropriate authority.

5. Under the circumstances, we dispose of the present petition by observing and directing that on making the payment of Rs. 9,67,461/-, which was due and payable as on 31/03/2015 with interest accrued thereon from 01/04/2015 till the aforesaid actual payment is made, the appropriate authority to issue the LOP to petitioner No. 1 for which the present petition is preferred.

With this, the present petition is disposed of.