

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (C) No. 760 of 2020

M/s S. R. Jaiswal **Versus** State of Chhattisgarh

17.03.2020	Mr. Anoop Majumdar, counsel for the petitioner. Mr. Anshuman Shrivastava, P.L. for the State/R-1 & 4. Mr. Harshmander Rastogi, counsel for the respondents 2 & 3. The reply of the respondents 2 & 3 has been filed. However, from perusal of the contents of the reply and the documents enclosed, it is difficult to reach to the conclusion as to how the respondents have quantified the amount to be recovered from the petitioner to the tune of Rs.51,21,039/-. From the calculation made by the respondents it appears that from the sale of Tendu leaves found in the Godown that of the petitioner, the loss suffered by the Department is to the tune of Rs.39,10,119/- of which Rs.18,41,971.40 has been recovered by the Federation encashing the bank guarantee in terms of the agreement. In addition, counsel for the Federation has fairly conceded that in the instant case, the Godown rent would also not be leviable upon the petitioner. Thus, the amount of Rs.85,760/- would also have to be reduced from the assessment. Further there is certain tax adjustment which also has to be made which the Federation must have received by virtue of the sale of Tendu leaves left in the Godown.

Considering all these facts and circumstances of the case, this Court directs the respondents 2 & 3 to file an additional return giving details of the assessment and the provisions of law under which the calculation has been made within a period of 4 weeks from today.

Meanwhile, subject to the petitioner depositing an amount of Rs.15,00,000/- with the Respondents 2 & 3 within a period of 3 weeks from the date of receipt of certified copy of this order, the execution for the remaining part of the order and the execution of the RRC proceeding initiated by the respondent no.4 shall remain stayed.

Meanwhile, subject to the petitioner furnishing the receipt of the depositing of Rs.15,00,000/- as directed above, the respondent no.4 shall take steps to forthwith release the property as seized under the RRC proceedings.

List this case in the month of July, 2020 for further hearing.

**Sd/-
(P. Sam Koshy)
JUDGE**