

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 1 of 2023

Date of Order: 06.01.2023

Abhi Coke Pvt. Ltd. Vs. Jaintia Hills Autonomous District
Council & 2 Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr. Adv. with
Ms. R. Dutta, Adv.
Ms. B. Kharwanlang, Adv.
For the Respondent(s) : Mr. M.L. Nongpiur, Adv. vice
Dr. N. Mozika, Sr. Adv.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

ORAL:

Heard Mr. K. Paul, learned Sr. counsel appearing on behalf of the petitioner.

The petitioner has approached this Court being aggrieved by the impugned order passed by the respondent authorities/JHADC dated 18.11.2022, whereby the trading licence of the petitioner company was cancelled.

The learned Sr. counsel for the petitioner has submitted that the

impugned order was passed without following the due procedure of the provision of Rule 19 (e) of the Jaintia Hills Autonomous District (Trading by Non-Tribal) Rules 2015 which provides for an opportunity to be heard before any steps or action be taken for cancellation of such licence. It is also submitted by the learned Sr. counsel that there is a provision for appeal under Rule 32 of the said Rules aforementioned, but because of the ensuing holidays, the petitioner could not approach the respondent authorities with the appeal within the specified period.

Mr. M.L. Nongpiur, learned counsel appears and accepts notice on behalf of the respondents/JHADC.

Without going into the merits of the matter, at this juncture, the learned Sr. counsel appearing on behalf of the petitioner has submitted that the respondents may be allowed to file their affidavit-in-opposition, and in the meantime, the petitioner be allowed to file the appeal before the respondent authorities.

The learned counsel for the respondents/JHADC has conceded to the submission made by the learned Sr. counsel for the petitioner to the extent that the affidavit-in-opposition be allowed to be filed in this matter. As far as the consideration of the appeal is concerned, it is submitted that the petitioner is at liberty to file the appeal within a week from date and the same to be taken up in accordance with law.

On consideration of the submission made, this Court is made to

understand that the grievance of the petitioner is with regard to the alleged arbitrary cancellation of the trading licence without being heard as per the aforesaid provision of the relevant rules.

However, since it is also submitted that there is a provision for appeal within the said rules for the grievance of the petitioner to be addressed by the concerned authority, the prayer of the petitioner to be allowed to prefer the appeal is hereby considered.

The respondent authorities are accordingly directed to take up the appeal, if so preferred and to dispose of the same expeditiously.

In view of the above, this petition is accordingly disposed of.



Judge

Meghalaya
06.01.2023
"D. Nary, PS"