IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17535 of 2015

Date of Decision: 24.8.2015

Mander Transport Company, Khanna

....Petitioner.

Versus

The Secretary, Regional Transport Authority, Patiala and another

...Respondents.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.

PRESENT: Mr. Raj Kaushik, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondent No.2 to consider and decide the legal notice dated 18.6.2015 (Annexure P-31) with regard to exemption and adjustment of the taxes for the period the bus did not operated due to non-framing and finalizing the time table for the operation of the route.

2. The competent authority granted one stage carriage permit No. 903/A/2011 (Annexure P-1) to Majhi Transport Company, Patiala on the route Sangrur-Jourepal via Ladda, Dhuri, Malerkotla. The said permit was transferred in the name of the petitioner. The petitioner had not been allowed to operate on the route by the Punjab Roadways Transport Corporation (PRTC) despite the issuance of time table (Annexure P-2) and paying the Government taxes regularly vide receipts (Annexures P-3

to P-24 Colly). The petitioner issued a legal notice dated 11.9.2012 (Annexure P-25) to the General Manager, PRTC, Sangrur regarding adjustment of time table, but all in vain. Thereafter, the petitioner filed CWP No. 21959 of 2012 which was disposed of by this Court vide order dated 5.11.2012 (Annexure P-26) by directing respondent No.1 to take final decision on the legal notice, Annexure P-25 within a period of one week. The petitioner moved a representation dated 22.8.2013 to the PRTC for adjustment in the timings for operating the bus. When no action was taken, the petitioner filed Revision No. 27 of 2013 (Annexure P-27) before the State Transport Appellate Tribunal who vide order dated 7.10.2013 (Annexure P-28) directed for issuance of a provisional time table within a period of seven days from the date of order. In pursuance thereto, the provisional time table was given to the petitioner on 14.10.2013 (Annexure P-29). The route of the petitioner had not been operated from 6.6.2011 till 13.10.2013 as the provisional time table given to it had been made operative on 14.10.2013. The petitioner moved representation dated 5.1.2014 followed by various representations including the representation dated 12.8.2014 (Annexure P-30) to respondent No.2 for exemption of the taxes and refund of the taxes and/or adjustment of the taxes in future taxes, but to no effect. Thereafter, the petitioner served a legal notice dated 18.6.2015 (Annexure P-31) upon respondent No.2 for grant of exemption or refund/adjustment of the paid taxes for future taxes, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 12.8.2014 (Annexure P-30) followed by a legal

notice dated 18.6.2015 (Annexure P-31) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 12.8.2014 (Annexure P-30) followed by a legal notice dated 18.6.2015 (Annexure P-31), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 24, 2015 **(RAMENDRA JAIN)**
gbs **JUDGE**