

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-18370-2015

Date of decision:- 01.09.2015

Best Label Company Pvt. Ltd.

...Petitioner

Versus

The Financial Commissioner and Principal Secretary to
Government of Haryana, Industries Department, Civil Secretariat,
Sector 17, Chandigarh and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Harkesh Manuja, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

Issue notice of motion returnable forthwith.

The petitioner has challenged an order/communication dated 07.08.2015 informing the petitioner that it is liable to pay a sum of ₹ 9,06,397/- and penalty of ₹ 39,747/- allegedly on account of delay in compliance of the condition of the PTL (Provisional Transfer Letter). The petitioner was also advised to clear the dues to enable the respondents to examine its request for transfer of the plot.

2. The plot was allotted by the respondents to a third party in the year 1989. In the year 1994, the plot was transferred by the original allottee to the petitioner. The permission for the transfer was granted by the respondents in the year 1995. The shareholding pattern of the petitioner changed in the year 2004. In the year 2005, the Estate Management Procedures (EMP) 2005 was introduced. It was amended on 07.01.2008. The EMP requires the payment of transfer fees. The petitioner's case, however, is that the

shareholding pattern changed in the year 2004 and that the EMP, therefore, does not apply in its case.

3. The impugned order merely raises a demand as a condition precedent for considering the petitioner's request for the transfer. The order does not contain any reasons. The impugned order is, therefore, quashed and set aside.

The respondents shall pass an order after giving reasons. The petitioner shall be entitled to make a fresh representation in regard to the application for transfer. The respondents shall pass the order after affording the petitioner an opportunity of being heard. The application shall be disposed of within 08 weeks of its being filed before the respondents. Needless to add that the respondents shall consider all the aspects while passing the order.

4. The writ petition is disposed of in the terms aforesaid.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

01.09.2015

Amodh