

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

CWP No. 2187 of 2015
Date of decision: 03.08.2015

Dharam Singh Dhillon

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR,
ACTING CHIEF JUSTICE**

HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Dhaman Dhir, Advocate,
for the petitioner.

Mr. Jagmohan Bansal, Addl. A.G., Punjab.

Mr. Sudhanshu Makkar, Advocate,
for respondent no. 4.

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

1. The petitioner has sought a writ of certiorari to quash the imposition of penalty by respondents no. 1 to 3 i.e. State of Punjab and the Excise Authorities under Section 61 of the Punjab Excise Act, 1940 not against respondents no. 4 and 5 i.e. Punjab Farms and State Bank of Patiala but against a third party, who the petitioner claims is the Manager of respondent no. 4.

2. The petitioner is not entitled to seek such a relief. The petitioner is not concerned with any penalty that may have been imposed by the Excise Authorities upon a third party.

3. The petitioner also seeks a writ of mandamus directing the respondents to refund an amount of ₹1,00,000/- allegedly deposited by him with respondent no. 4 and allegedly deposited with the State Bank of Patiala by respondent no. 4-Punjab Firms.

4. This relief cannot be granted for at least two reasons.
5. Firstly, there is a disputed question of fact as to whether the amount of ₹1,00,000/- was paid or not. We are informed that this amount of ₹1,00,000/- was actually deposited by the petitioner with respondent no. 4 i.e. Punjab Farms. The petitioner claims that a part of the claim was paid in cash. Respondent no. 4, however, denies the same.
6. Secondly, this is a purely private dispute between the petitioner and respondent no. 4 in respect whereof, a writ petition is not maintainable.
7. The petition is accordingly dismissed. The petitioner is always at liberty to adopt appropriate proceedings for recovery of the amounts allegedly due to him.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

03.08.2015
shivani

(G.S. SANDHAWALIA)
JUDGE

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

CWP No. 13943 of 2015 (O & M)

Date of decision: 03.08.2015

N.S. Concrete Pvt. Ltd.

....Petitioner(s)

Versus

Union of India and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR,
ACTING CHIEF JUSTICE**

HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rajiv Atma Ram, Sr. Advocate,
with Mr. Amit Jhanji, Advocate,
for the petitioner.

Mr. Sukhdev Sharma, Advocate,
for the respondents.

G.S. SANDHAWALIA (J.)

We are informed that the matter is similar to the case of

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

03.08.2015
shivani

**(G.S. SANDHAWALIA)
JUDGE**

