

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

VATAP-220-2014

Date of decision:- 30.03.2015

M/s Om Trading Company, Yamuna Nagar

...Appellant

Versus

The State of Haryana

...Respondent

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

Present: Mr. Avneesh Jhingan, Advocate,
for the appellant.

Ms. Mamta Singla Talwar, Assistant Advocate General, Haryana.

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

This is an appeal against the order and judgement of the Tribunal dated 23.01.2012 dismissing the appellant's appeal on the ground that there was a delay of 77 days in filing the same. The appeal raises substantial questions of law contained in paragraph 13. It is agreed that the procedure is that the order passed by the First Appellate Authority is forwarded to the counsel/advocate. The learned advocate denied having received the copy of the order. Even assuming that the advocate had received the copy of the order, it would make no difference. The appellant did not receive the copy of the order.

2. We do not see any reason for the appellant to be visited with such a drastic consequence of the dismissal of the appeal on account even of any communication gap between the appellants and their advocates.

3. The impugned order is set aside. The appeal before the Tribunal shall stand restored and be decided on merits.

4. Disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(GURMIT RAM)
JUDGE

30.03.2015

Amodh