

In the High Court of Punjab and Haryana at Chandigarh.

**CM No.9250 of 2016 in/and
CWP-1417 of 2015
Decided on 10.8.2016**

M/s.Shiva Rice Enterprises Private Limited, Sultanpur Road, Kapurthala

--Petitioner

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.R.K.Batta, Sr.Advocate, with
M.J.S.Jaggi, Advocate,for the petitioner

Mr.Anant Kataria, DAG, Punjab

Mr.S.S.Rangi,Advocate, for respondent Nos.2 to 4

Rakesh Kumar Jain,J: (Oral)

CM No,9250 of 2016

This application is filed for placing on record rejoinder to the replication. Application is allowed.

CWP No.1417 of 2015

Brief facts of the case are that the petitioner firm was not held liable to pay the market fee and Rural Development Fund, on the rice which purchased from the firm outside the State of Punjab, vide order dated 21.1.1999.

The said order has been upheld by the Chairman of the Market

Committee vide order dated 01.03.2002. The Market Committee challenged the order dated 21.1.1999 before the Government i.e. the Secretary of the Department of Agriculture, Punjab. The revision petition was allowed on 23.5.2014 and the order dated 21.1.1999 was set aside and the case was remanded back to the Assessing Authority i.e. Secretary, Market Committee, Kapurthala to re-assess the business of the firm for the period 1996-97 as per Rule 31 of The Punjab Agricultural Markets (General) Rules, 1962 and pass a fresh order after affording proper opportunity of hearing to both the parties.

Only argument raised by learned counsel for the petitioner, at this stage, is that while passing the impugned order dated 23.5.2015, order dated 01.3.2002 has not been dealt with, inasmuch as the said order has not been set aside and is still alive. It is, thus, prayed that the impugned order dated 23.5.2014 may be set aside and the matter may be remanded back to the concerned authority to hear both the parties before passing the appropriate order by taking into account the findings recorded by the Chairman of the Market Committee in its order dated 01.3.2002.

Learned counsel for the Market Committee has submitted that once the assessment has been set aside and the case has been remanded back to the Secretary, Market Committee, Kapurthala, the petitioner is only gaining time.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that there is no dispute that the Secretary, Market Committee while deciding the revision of the Market Committee, did not touch the order dated 01.3.2002 passed by the Chairman

of the Market Committee by which the order dated 21.1.1999, has been upheld and has only dealt with the order dated 21.1.1999 meaning thereby the order dated 1.3.2002 still survives. Hence, the impugned order dated 23.5.2014 is set aside and the case is remanded back to the Secretary, Department of Agriculture, Punjab, to decide the same afresh after taking into consideration the order dated 01.3.2002, after affording opportunity of hearing to both the parties.

The entire exercise shall be done by the Secretary, Department of Agriculture, Punjab, expeditiously, preferably within a period of one month from the date of appearance of the parties before him. The parties are directed to appear on 22.8.2016.

A copy of this order be given to learned counsel for the parties under the signatures of Bench Secretary for compliance.

10.8.2016
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No