

SR. No. 225

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

CWP No. 14293 of 2015

Date of decision: 25.04.2016

M/s Raldu Ram Mool Chand

.....Petitioner

versus

Indian Potash Ltd. and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Arun Singal, Advocate
for the petitioner.

Mr. Kirpal Singh, Advocate
for the respondents.

Rakesh Kumar Jain, J.(Oral)

This petition is filed to challenge the letter dated 27.05.2015(Annexure P-4) by which dealership of the petitioner of Indian Potash Limited has been withdrawn and the letter dated 9.06.2015(Annexure P-6) by which security deposited by the petitioner has been refunded.

Counsel for the petitioner has submitted that the impugned letter dated 27.05.2015(Annexure P-4) has been issued only on the ground that the respondent came to know that the Department of Agriculture has suspended the license on account of some malpractices by the petitioner firm. It is submitted that the order of suspension of license by the Department of Agriculture was revoked/recalled on 28.01.2015. But since no opportunity of hearing was given to the petitioner while passing the impugned

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letter dated 27.05.2015(Annexure P-4), therefore, this fact could not be brought to the notice of the respondent.

Counsel for the respondents, however, submits that the non-issuance of 'O' Form for the Samalkha region in District Panipat was not based upon the suspension of the licence of the petitioner by the Department of Agriculture alone, rather there were other reasons also but, it is admitted by him that those reasons are not specifically mentioned in the letter dated 27.05.2015(Annexure P-4).

I have heard counsel for the parties and after examining the available record, am of the considered opinion that so far as the reason given in the letter dated 27.05.2015(Annexure P-4) is concerned, it has lost its validity because the suspension order of the license has been revoked on 28.01.2015 and was not in existence on the date when the impugned letter dated 27.05.2015 was issued.

Thus, the letters dated 27.05.2015(Annexure P-4) and 9.06.2015(Annexure P-6) are illegal and are set aside. However, in case the petitioner is still not found entitled on some other legal ground, the respondent shall be at liberty to pass a fresh order while considering the application of the petitioner for issuance of 'O' Form for the Samalkha region in District Panipat.

With these observations, the present petition is hereby allowed. The respondents shall decide the application of the petitioner after giving him an opportunity of hearing, as early as possible, preferably within a period of 30 days from the date of

receipt of certified copy of this order.

25th April, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge