

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

CWP No.18291 of 2013

Date of Decision:09.11.2016

Survir Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. K.B.S. Mann, Advocate for the petitioner.

Mr. Keshav Gupta, A.A.G. Haryana.

P.B. BAJANTHRI J.

In the instant petition, the petitioner has questioned the validity of administrative instruction dated 18.6.2012 and pay bill dated 18.7.2013 (Annexure P-1).

The respondent-department have calculated penal rent by charging 300 times the licence fee whereas the statutory rules provides only for charging 50 times. Therefore, the impugned communication imposing the penal rent at 300 times is contrary to the statutory rules.

At the time of ordering notice of motion, it was ordered that “In the meantime it is directed that in case the petitioner deposits the penal rent at the rate of 50 times and gives a bank guarantee for the remaining amount, the operation of the impugned order shall be stayed.” If the petitioner has complied the interim direction dated 9.10.2013 then the bank guarantee given by him be released and the order of penal rent dated 18.7.2013 by which penal rent has been charged 300 times is modified to 50 times.

Accordingly, the petition is allowed in part.

09.11.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No