

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

CWP No. 6476 of 2014 (O&M)

Date of decision : 26.2.2016

Raj Kumar

.. Petitioner

versus

The State of Punjab and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Madan Sandhu, Advocate, for the petitioner.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

The petitioner, who was granted a license as a Stamp Vendor in the year 2009, has filed the present petition seeking quashing of the order dated 22.2.2012 (Annexure P-5) whereby his license was cancelled and the order dated 29.1.2014 (Annexure P-6) vide which his appeal was dismissed.

Learned counsel for the petitioner submitted that the only ground on which the license of the petitioner was cancelled was that as against stamps worth ₹ 52/-, he had not returned the balance of ₹ 3/- after taking ₹ 55/- from the customer. It was only for the reason that at that point of time, the change was not available, however, later on the balance was handed over to the customer. During the pendency of the matter before the Sub-Divisional Magistrate, the complainant had even made a statement to that effect. Still the license was cancelled. The order being based on irrelevant facts, deserves to be set aside.

On the other hand, learned counsel for the State submitted that once the petitioner was found to have charged more amount than the stamps sold by him, the conduct of the petitioner being in violation of the rules, his license was rightly cancelled. The petitioner does not deserve to be given any leniency.

Heard learned counsel for the parties and perused the paper book.

The allegation against the petitioner is that he sold stamps of ₹ 52/- and charged ₹ 55/- from the customer. The stand of the petitioner is that he could not return the balance amount of ₹ 3/- as the change was not available at that time, however, later on the balance amount of ₹ 3/- was returned.

Initially a complaint was made by respondent no.5. However, the dispute having been settled, the complainant made a statement before the Sub-Divisional Magistrate informing that the matter has been compromised. Still on the ground that the petitioner had allegedly not returned ₹ 3/- to the buyer of the stamp, his license was cancelled.

Considering the aforesaid factual matrix, where the stand of the petitioner is that he had returned the balance amount of ₹ 3/-, the meager amount, and this fact having been admitted by the complainant, in my opinion, the penalty of cancellation of license inflicted on the petitioner on that ground deserves to be set aside. Accordingly, the impugned order is quashed.

The writ petition stands disposed of.

26.2.2016
vs

(Rajesh Bindal)
Judge