

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

CWP No.21230 of 2008 (O&M)

Date of decision : 08.08.2017

Pepsu Road Transport Corporation

..... Petitioner

Vs.

The State Transport Appellate Tribunal, Punjab and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Anupam Singla, Advocate
for the petitioner.

Mr. H.S.Sitta, Asstt. Advocate General, Punjab.

Mr. B.S.Sudan, Advocate
for respondent No.3.

Mr. Raj Kaushik, Advocate
for respondent No.4.

AJAY TEWARI, J.(ORAL)

This appeal has been filed against the order and judgment dated 11.06.2008 whereby appeal No.215 of 2007 filed by respondent No.4 was allowed and the permit originally issued to the petitioner was directed to be granted to the respondent No.4.

Learned counsel for the petitioner has argued that in this case the order of the State Transport Commissioner was passed on 24.01.1996 but appeal was filed only in the year 2007 on the specious ground that the order was never communicated, without showing whether the respondent No.4 had ever applied for a certified copy of the order. Moreover, the plea regarding limitation was not even considered in the impugned order.

Learned counsel for respondent No.4 is not in a position to show why the said respondent never applied for a certified copy of the order and, in the absence thereof, how the appeal could have been filed after so many years.

In the circumstances, it has to be held that the appeal was filed beyond limitation. Consequently, the petition is allowed and the order dated 11.06.2008 is set aside. The permit issued to the petitioner be re-transferred to it.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

08.08.2017
pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No