

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10680 of 2016 (O&M)
Date of decision: 10.3.2017

M/s Sham Udyog Limited and another

.. Petitioners

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Aditya Grover, Advocate for the petitioners.

Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Assistant Advocate General,
Punjab.

Mr. Sharan Sethi, Senior Standing Counsel for
respondents No. 3 and 4.

...

Rajesh Bindal J.

The petitioners filed the present petition praying for quashing of notice dated 26.2.2016 (Annexure P-2), issued by Assistant Collector, Division-II, Nabha for recovery of the amount as arrears of land revenue. Further prayer was made for direction to respondent No. 3 to supply copy of order, if any, passed raising the demand in pursuance to which notice (Annexure P-2) for recovery thereof as arrears of land revenue was issued.

The writ petition was disposed of on 18.7.2016 in the absence of counsel for the petitioners noticing that with the application, the petitioners had placed on record communication dated 16.6.2016 stating

that the impugned recovery notice had been withdrawn and the same had been issued by the State. Thereafter, application for revival of the writ petition was filed claiming that copy of the order in pursuance to which the demand notice was issued was not supplied to the petitioner. In the absence thereof, the petitioners were unable to avail of their remedy.

Learned counsel for respondents No. 3 and 4 submitted that different orders were passed against the petitioners. Order dated 25.8.2015 was sent to the petitioners by registered post, which had not been received back. Orders dated 5.10.2015 and 13.11.2015 were returned back undelivered but were delivered by hand to Sukhbir Singh, authorised representative of the petitioners. Even order dated 25.1.2016 was also delivered to him. The demand in question was raised vide order dated 13.11.2015, hence, the contention raised that copy of the order was not received by the petitioners is misconceived. He further submitted that against the earlier order, which was served upon the petitioners, they had even filed appeal, however, copy of the order was supplied to the counsel for the petitioners in court.

After hearing learned counsel for the parties, however, without entering into the controversy, as the only dispute is regarding receipt of copy of the order, in our opinion, the present petition can be disposed of with a direction to respondents No. 3 and 4 to supply copy of the order raising demand of ₹ 1,91,514/- against the petitioners so as to enable them to avail of their remedy of appeal, in case aggrieved. The period of limitation for filing the appeal shall be counted from the date of supply of copy of the order. This court is not going into the issue that copy was supplied to Sukhbir Singh, for which arguments and counter-arguments

were raised with reference to his authorisation. Though he had been appearing for the petitioners, however, there was no authority letter on record. It has also come on record that plant of the petitioners was lying closed from the year 2015 onwards.

Ordered accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

10.3.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No