

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

**CWP No.12275 of 2016  
Date of Decision: 21.02.2017**

**\*\*\*\***

M/s Punnu Ram Ramji Lal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT  
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. P.C. Chaudhary, Advocate,  
for the petitioner.  
Ms. Subhra Singh, Addl. A.G., Haryana.  
Mr. A.P.S. Mann, Advocate,  
for respondent Nos.2 and 3.

**SURYA KANT J. (ORAL)**

1. The question which falls for consideration in this case is whether the petitioner-firm a Joint Hindu Family Partnership Firm is eligible for allotment of plot at concessional rate in the New Grain Market, at Indri, District Karnal being an old licensee in the Old Grain Market?

2. The petitioner Firm - M/s Punnu Ram Ramji Lal was granted licence on 11.04.1983 in the Grain Market, Indri for doing the business of Commission Agent. On 09.09.1987, the State Government de-notified the Old Grain Market and vide a separate notification of the same date, declared a New Grain Market at Indri as Principal Market Yard. The Marketing Board/Market Committee decided to allot plots in New Grain Market to the old licensees at the concessional rate on preference basis. The petitioner- Firm was, however, not found eligible and its claim for allotment was turned down. The petitioner approached this Court by way of *CWP No.4092 of 1993*, which was decided by one of us (Surya Kant, J.) along with bunch of writ petitions on 05.12.2008 in the following terms:-

*“[21]. For the reasons afore-stated, these writ petitions are allowed to the extent that such of the petitioners, who fulfill the eligibility criteria laid down in the policy decision dated 1<sup>st</sup> June, 1987 shall be included in the draw of lots for allotment of plots on the reserve price. Regarding those petitioner-firms whose eligibility is under dispute, the Chief Administrator, HSAMB is directed to constitute a Committee of Three Senior Officers who shall call upon these petitioners to produce the relevant records to prove that they are also eligible for inclusion in the draw of lots under the policy dated 1<sup>st</sup> June, 1987. Such an exercise shall be completed by the committee within a period of four months from the date of receipt of a copy of this order. Needless to say that whosoever petitioner is found eligible after such an exercise, shall also be included in the draw of lots and/or allotted the plot on the reserved price.”*

3. In compliance of the above reproduced directions, the Board constituted Committee of three Officers, which submitted its recommendations on 19.02.2010. As regard to the petitioner- firm, the the Committee found it as follows:-

*“22. Pannu Ram Ramji Lal CWP No.4092 of 1993: the claimant has stated that his licence number is 170 IND which was issued on 11.4.1983 and premise of business has not been mentioned. Thus no information relating the premise of business has been furnished; address mentioned at page-2 of licence is Anaj Mandi, Indri.*

*As per the report of E.O.-cum-Secretary Market*

*Committee, Indri licence number is correct, licence was issued on 8.4.1983 and the address of premise of business mentioned in the licence register is shop number 27 N.G.M. Indri (which stands for New Grain Market). It is further pointed out that this licence has not been renewed after 31.3.1997. He was not having a premise of business in Old Mandi at Indri (which was de-notified); but this firm is not doing business after 31.3.97 as has not got renewed its licence after 31.3.1997. Thus he is not eligible for allotment of plot on reserve price in New Grain Market.”*

4. The recommendations of the Committee were broadly accepted by the Chief Administrator of the Marketing Board vide order dated 12.03.2010. Consequently no allotment was made in favour of the petitioner. It filed a Statutory Revision Petition under the Act before the State Government which has also been dismissed vide order dated 05.10.2015. These orders are under challenge in the instant writ petition.

5. It may be seen that the petitioner-firm has been denied allotment on the ground that its licence has not been renewed after 31.03.1997 and thus the business activities of the firm stood stopped completely from the said date.

6. With a view to counter the reasoning assigned by the authorities, learned counsel for the petitioner refers to a licence No.606 IND granted to M/s Budh Ram Deepak Kumar and contends that the proprietor of the petitioner's firm (Budh Ram) has reconstituted another firm by the name and style of M/s Budh Ram Deepak Kumar. Hence, the new firm should be taken as the successor of the petitioner-firm for the purpose of

doing business.

7. We are, however, not impressed by the contention.

8. Firstly, the old firm became non-existent due to non-renewal of its licence w.e.f. 01.04.1997 whereas the new firm was constituted on 09.04.2003 i.e. after six years. Secondly, the new firm consists of Budh Ram, Deepak Kumar and Hukam Singh as its partners, whereas the petitioner-firm was originally proprietorship of Budh Ram son of Punnu Ram and later on his three brothers, namely, Somnath, Suresh and Isham were added as partners. Thus the composition of both the firms is altogether different. Thirdly, the place of business of the old firm was Grain Market, Indri whereas the place of business of the new firm is a shop in the New Grain Market, Indri. There is, thus, a stark distinction between the two juristic persons. M/s Budh Ram Deepak Kumar, therefore, cannot be accepted as the sole successor of the petitioner- firm.

9. Since the petitioner-Firm has stopped its business and has virtually become non-existent at the time when the claims for allotment were being considered under the directions of this Court, no fault can be found with the orders rejecting its claim for allotting a plot at concessional rate.

10. Dismissed.

**(SURYA KANT)**  
**JUDGE**

**21.02.2017**

*renu*

**(SUDIP AHLUWALIA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No