

CWP-135-2017

Date of Decision : 11.01.2017

Brar Nursing Home and Scan Centre, Khanna

.....Petitioner

versus

State Appellate Authority Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Karanvir Singh Khehar, Advocate
for the petitioner.**M.M.S. BEDI, JUDGE (ORAL)**

The claim of the petitioner for renewal of registration of the Ultrasound Genetic Clinic had been declined by the Sub Divisional Appropriate Authority, Khanna. An appeal purported to be under Section 21 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 read with Rule 19 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 filed before the State Appropriate Authority, Punjab was disposed of, advising the petitioner to approach the Appropriate Authority at District Level i.e. DAA, Ludhiana with a direction that in case, such appeal is filed, it would be decided expeditiously. The legality and propriety of said order has been questioned.

Learned counsel for the petitioner has raised a number of pleas taken on facts and law including the plea that despite there being favourable observations, the Appropriate Authority at Sub District Level has wrongly adjudicated the application for renewal of the licence.

I have heard learned counsel for the petitioner and gone

through the legal provisions. Rule 19 of the aforesaid Rules of 1996 read as follows:-

“19. Appeals. - (1) Anybody aggrieved by the decision of the Appropriate Authority at sub-district level may appeal to the Appropriate Authority at district level within 30 days of the order of the sub-district level Appropriate Authority.

(2) Anybody aggrieved by the decision of the Appropriate Authority at district level may appeal to the Appropriate Authority at State/UT level within 30 days of the order of the District level Appropriate Authority.

(3) Each appeal shall be disposed of by the District Appropriate Authority or by the State/Union Territory Appropriate Authority, as the case may be, within 60 days of its receipt.

(4) If an appeal is not made within the time as prescribed under sub-rule (1), (2) or (3), the Appropriate Authority under that sub-rule may condone the delay in case he/she is satisfied that appellant was prevented for sufficient cause from making such appeal.”

In view of above said statutory provision, prescribing a forum of appeal, I am of the considered opinion that Appropriate Authority at District Level is the authority competent to consider the appeal of the petitioner.

Without expression of any opinion on merits, this petition is disposed of as withdrawn on the request of the counsel for the petitioner relegating the petitioner to avail remedy to file an appeal before the Appropriate Authority at District Level under Section 19 (1) of the Act

within a period of seven days. All the pleas of facts and law including pleas of alleged *mala fide* may be raised by the petitioner in the appeal expecting that the District Appellate Authority will take into consideration all the pleas taken up and pass a speaking order expeditiously as already observed by the State Appropriate Authority, Punjab, Chandigarh.

It is directed that in case, the appeal is filed within a period of one week, it will be decided within a period of 30 days finally, determining the rights of the petitioner without prejudice to the legal rights of the petitioner to avail any other remedy.

Copy of the order be communicated to the concerned authorities by the petitioner.

(M.M.S. BEDI)
JUDGE

11.01.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No