

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4968-2015 (O & M)

Date of decision: 28.09.2017

M/s Banke Bihari Roller Flour Mills (Pvt.) Ltd.

....Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.L. Batta, Sr. Advocate, with Mr. J.S. Saggi, Advocate,
for the petitioners.

Mr. Harsimran Singh Sethi, Addl.A.G., Punjab.

Mr. S.S. Rangi, Advocate, for respondents No.2 and 3.

Rajan Gupta, J. (Oral)

Petitioner has sought a writ in the nature of certiorari for quashing assessment order dated 01.08.2007, Annexure P-9, whereby it has been directed to pay market fee, RDF and penalty as per Rules.

Stand of respondents No.2 and 3 is that some of the mill-owners did not submit the Form KK at all. Others submitted it after considerable delay.

Learned counsel for the petitioner, however, places reliance upon judgment passed in '*M/s Anand Canvass Mills Pvt. Ltd. versus State of Haryana, 1993(2) PLR 232*' wherein a similar provision pertaining to Haryana, was subject-matter of interpretation. It was held therein that delay in submission of the relevant forms cannot be fatal. Market Committee would not impose market-fee on produce purchased from outside the State merely on account of delay in submitting the relevant forms.

At the most, it would be at liberty to impose penalty in terms of the rules.

Mr. Batta submits that similar provision has been incorporated in Rule 31(A) of the Punjab Agricultural Produce Markets (General), Rules, 1962. According to the same, penalty can be imposed, if the Form is found to be submitted beyond the period prescribed.

In view of the above, writ petition is disposed of with a direction to respondent No.3 to consider the claim afresh in terms of provisions of Rules 29 and 31(A). Assessment orders already passed shall not stand in the way of the Market Committee to consider the matter afresh. If necessary, an opportunity of hearing shall be granted to the petitioner.

Needless to observe that this order would not operate where no Forms at all have been submitted by the concerned Firms.

September 28, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No