IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.3163 of 2017.
Date of Decision: April 06, 2017

M/s Shiv Fruit Agency, Indri ......Petitioner

versus

Chief Administrator,Haryana State Agricultural Marketing Board & another .....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

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Present: Mr.Parminder Singh, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The question that arises for consideration is whether the petitioner-firm is eligible for allotment of a site in the new Grain Market at Indri, District Karnal at concessional rate on priority basis?

[2] It is an admitted fact that applications from the old licensees were invited by the Market Committee, Indri in the first week of October, 2008 and draw of lots was held on 24.10.2008. It is not in dispute that the following criteria is prescribed under Rule 3 of the Haryana State Agricultural Marketing Board (sale of immovable property) Rules, 2000:-

> ".....(iv) Such licensees must have paid market fee of at least Rs.5,000/- annually for the last two years;
>
> Provided that in the case of category (ii) licensee who does not pay market fee himself, his annual turnover during the last two years should be at least rupees two lakh fifty thousand...."

[3] It is also the conceded fact that all the applicants were required to fulfill the above-stated condition in the preceding three years, i.e., 2004-05, 2005-06 and 2006-07. The petitioner-firm had admittedly deposited the market fee of Rs.2086/- in the year 2004-05; Rs.3437/- in the year 2005-06 and Rs.4172/- in the year 2006-07. The petitioner thus failed to fulfill the

criteria prescribed under the Rules.

[4] Not only this, the Revisional Authority, namely, the State Government considered the petitioner's claim in the light of the relaxation resolved to be granted by the Board vide resolution dated 12.09.2011 under Agenda Item No.3. The said resolution reads as follows:

> ".... Regarding point No.IV, the failure to fulfill the condition of market-fee/turnover for one of the last two financial years shall be condoned, if the condition is fulfilled by taking any two financial years in the previous four financial years. In case of death or permanent disability of the main proprietor, the turnover can be taken as best two of the last five years preceding death of the proprietor and claim may be filed only by the widow and/or children of the deceased proprietor......"

[5] The petitioner-firm was not found eligible even as per the relaxed criteria. Consequently, its revision petition was dismissed.

[6] We have heard learned counsel for the petitioner who could not dispute the above stated facts. His only contention is that in the subsequent year 2007-08, the petitioner-firm deposited the market fee of more than Rs.5000/- per annum. This factor, in our considered view, does not improve the eligibility of the petitioner as such deposits were made after the applications were invited by the Market Committee.

[7] No case to interfere with the impugned order is made out.

[8] Dismissed.

[SURYA KANT]
JUDGE

April 06, 2017
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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No