

RA No.214 of 2016 in
CWP No.21349 of 2013

[1]

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

RA No.214 of 2016 in
CWP No.21349 of 2013
Date of decision:02.06.2017

Technico Agri Sciences Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. M.L.Sarin, Sr. Advocate, with
Mr. Nitin Sarin, Advocate, for the applicant/petitioner.

Mr. Suresh Singla, Addl. A.G., Punjab.

Mr. Sanjay Sharma, Advocate,
for respondents no.2, 7, 14, 16 & 18.

Mr. Ankit Aggarwal, Advocate,
for respondent no.4.

Rakesh Kumar Jain, J.

This application is filed by the writ petitioner for seeking review of the order dated 04.07.2016 by which the writ petition filed by the applicant-petitioner was allowed. The observations made by this Court, in which there are allegedly factual errors, are summarized in para no.4 of the review application.

Insofar as para no.4(i) of the review application is concerned, it has been admitted by the applicant-petitioner itself that certain documents Annexures P-64, P-65 and P-66 were not before the authorities, which have been filed for the first time before this Court.

As regards para no.4(ii), the Court had observed that it is evident from the impugned order (Annexure P-59) that the petitioner did not refer to the decision of the Supreme Court. However, it is alleged in the review application that the judgment of the Supreme Court was cited but it has been wrongly mentioned by the Special Secretary (Agriculture), Government of Punjab, in its order Annexure P-59 that the petitioner could not place on record any document. That observation made by this Court was not about the document but in regard to the reference of the judgment of the Supreme Court in the impugned order Annexure P-59, which is conspicuous by its absence in the impugned order.

These are the basically two issues on the basis of which review has been sought by the writ petitioner.

To my mind, the cause shown by the petitioner in the review application is totally misconceived as the writ petition was allowed, impugned orders Annexures P-59 and P-63 were set aside and the matter was remanded back to the Revisional Authority to decide the lis between the parties afresh by passing a well considered speaking order after providing them sufficient opportunity to lead their respective evidence by way of producing relevant documents and after considering their respective contentions, in accordance with law. Not only that, the respondents were also directed not to take coercive steps to recover the MF & RDF @ 2% and to give Form Q to the petitioner for the purpose of export, as ordered by this Court vide order dated 03.03.2014. It was also directed that the Revisional Authority shall decide the lis between the parties as early as possible, preferably within a period of six months.

In view of the above, there is no ground for reviewing the order dated 04.07.2016 and hence, the present review application is hereby dismissed, though without any order as to costs. However, for the satisfaction of the applicant-petitioner, it is clarified that the respondents shall not take any coercive steps to recover the MF & RDF @ 2% till the decision of the Revional Authority.

June 02, 2017
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(Rakesh Kumar Jain)
Judge

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