

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

221(05 Cases)

- (1) RA-CW-281 of 2014 (O&M) in
CWP No. 12462 of 2012**

**M/s M and M Auto Industries Ltd.
Vs.
The State of Haryana and another**

- (2) RA-CW-428 of 2014 (O&M) in
CWP No. 13287 of 2012**

**M/s Neel Metal Products Ltd.
Vs.
The State of Haryana and another**

- (3) RA-CW-429 of 2014 (O&M) in
CWP No. 13494 of 2012**

**M/s Omax Autos Ltd.
Vs.
The State of Haryana and another**

- (4) RA-CW-431 of 2014 (O&M) in
CWP No. 17561 of 2006**

**M/s Enkay (India) Rubber Company P Ltd.
Vs.
The State of Haryana and another**

- (5) RA-CW-432 of 2014 (O&M) in
CWP No. 3936 of 2012**

**M/s HPL Socomec P Ltd.
Vs.
The State of Haryana and another**

**Present: Mr. Sandeep Goyal, Advocate for the applicant-petitioner
in RA-CW-281 of 2014.**

**Mr. Rajiv Agnihotri, Advocate for the applicant-petitioner(s)
in RA-CW Nos. 428, 429, 431 and 432 of 2014.
Ms. Mamta Singla Talwar, Deputy Advocate General, Haryana.**

This is an application for review of the judgment and order dated 31.01.2014, which was passed by a Division Bench of this Court. Both the learned Judges have now retired. The matter is, therefore, placed before this Bench as per roster.

The applicant/petitioner(s) in each of the petitions that were disposed of by the Division Bench, had challenged a Notification dated 15.10.2001 on the ground that it is *ultra vires* the Constitution of India. They, accordingly, also sought a writ of certiorari to quash the orders passed by the Higher Level Screening Committee in each of the cases.

The Division Bench by the orders sought to be reviewed, upheld the constitutional validity of the Notification. The Division Bench, thereafter, considered the facts only in respect of Writ Petition No. 13872 of 2005, titled 'Shri Shree Radha Swamy Plastics Limited Vs. State of Haryana and others', but did not consider the facts of the other cases.

Mr. Goyal, learned counsel appearing on behalf of the petitioner in Writ Petition No. 12462 of 2012 titled M/s M and M Auto Industries Ltd. Vs. The State of Haryana and another', contended that assuming the Notification is valid, the petitioners had fulfilled all the terms and conditions thereof and were therefore entitled to the benefits conferred therein.

Mr. Agnihotri, learned counsel appearing on behalf of some of the petitioner(s) sought to re-argue the matter even on the question of law decided by the Division Bench. This is not permissible. The petitioners' remedy is to challenge the same before the Supreme Court.

We are, therefore, inclined to recall the matter only to the limited extent of permitting the petitioners to raise their contentions on the facts of each case, which admittedly have not been considered by the Division Bench while passing the said judgment and order. The Review petitions are, therefore, allowed only to the limited extent of permitting the petitioner(s) to establish that they are entitled to benefit of the Notification on the basis that it is valid.

Registry is directed to list the writ petitions for hearing as per roster.

A photocopy of this order be placed on the files of other connected matters.

**(S.J. VAZIFDAR)
CHIEF JUSTICE**

08.02.2017

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**(ANUPINDER SINGH GREWAL)
JUDGE**