

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

368

CWP No.8973 of 2005
Decided on : 17.07.2018

M/s Jaishil Sulphur & Chemical Industries

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present:- Mr.R.C.Gupta, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

None for respondent No.2.

AJAY KUMAR MITTAL, J. (Oral)

Challenge in this writ petition filed under Articles 226/227 of the Constitution of India is for quashing the impugned penalty and charging of octroi vide receipt No.66 dated 07.05.2005 (Annexure P-8).

2. It was claimed by learned counsel for the petitioner that the petitioner was not liable for payment of any octroi in view of notification dated 11.05.1994 (Annexure P-7) issued by local Government State of Punjab clarifying that no octroi be charged on the pesticides in the light of Government notification No.9/9/93/377 and 379 dated 10.01.1994.

3. On a query put to learned counsel for the petitioner, whether any claim has been laid with respondent No.2 regarding the non charging of octroi as claimed in the writ petition, learned counsel informed that no such claim was made before respondent No.2.

4. After hearing learned counsel for the parties and without expressing any opinion on the merits of the controversy, we dispose of the present writ petition by granting liberty to the petitioner to file a detailed

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CWP No.8973 of 2005

-2-

and comprehensive representation before respondent No.2, raising all the pleas as sought to be raised in the present writ petition. However, it is clarified that in the event of a representation being filed by the petitioner within a period of one month from the date of receipt of certified copy of this order, the same shall be decided by respondent No.2 within next three months by passing a speaking order after granting an opportunity of hearing to the petitioner in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

17.07.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No