

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

**CWP No. 21761 of 2015**

**Date of Decision: 05.07.2018**

**GREATHER LUDHIANA AREA DEVELOPMENT AUTHORITY, PUDA  
COMPLEX, LUDHIANA.**

***...Petitioner***

**VS.**

**STATE OF PUNJAB AND OTHERS**

***...Respondents***

**CORAM:    HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**

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

                     Mr. Sahil Sharma, DAG, Punjab.

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**RAKESH KUMAR JAIN, J. (ORAL)**

This petition is filed by the Greather Ludhiana Area Development Authority, assailing the order dated 01.06.2012, passed by the Collector, Jalandhar and order dated 19.08.2014 passed by the Commissioner, Jalandhar Division Jalandhar, asking the petitioner to pay deficient stamp duty of ₹16,74,000/- in terms of the provisions of Section 47-A of the Indian Stamp Act, 1899.

Learned counsel for the petitioner has, *inter alia*, submitted that the Collector had issued the notice on 16.05.2012 asking the petitioner to appear on 15.06.2012 at 10 a.m. However, without waiting for their appearance on the date and time fixed, the Collector passed the impugned order dated 01.06.2012 in their absence. It is further submitted that this point was brought to the notice of the Commissioner but to no avail and therefore, present writ petition has been filed.

One of the arguments raised by the learned counsel for the petitioner is that the petitioner has been condemned without hearing them, violating the basic principles of natural justice i.e. *audi alteram partem*.

**CWP No. 21761 of 2015**

Learned State counsel has been fair enough to concede that the Collector was in a unholy haste in passing the impugned order dated 01.06.2012, because he had issued notice to the petitioner to appear before him on 15.06.2012 at 10 a.m.

Thus, from the aforesaid, it is apparent that the impugned order has been passed without hearing the petitioner which is patently against the principles of natural justice. Therefore, present petition is hereby allowed and impugned order dated 01.06.2012 is set aside. However, the case is remanded back to the Collector, Jalandhar to decide it afresh after giving opportunity to the petitioners to file their reply to the notice and also to lead evidence, if any. It is further directed that the Collector shall thereafter pass a speaking order in accordance with law. Parties are directed to appear before the Collector, Jalandhar on 06.08.2018.

**July 5, 2018**

Ess Kay

**(RAKESH KUMAR JAIN)  
JUDGE****Whether speaking / reasoned :**✓  
**Yes / No****Whether Reportable :****Yes / No**