HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

CWP No.22245 of 2018 (O&M)
Date of Decision: 04.09.2018

****

Gurinder Singh ...Petitioner

VS.

State of Punjab & Anr. ... Respondents

****

Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia

****

Present: Mr. Amandeep Singh Jawandha, Advocate for the petitioner

****

SURYA KANT J. (Oral)

(1) The petitioner was allotted a commission agent shop by the Punjab Mandi Board in the Grain Market, Rayya in an open auction vide allotment letter dated 07.09.2009. He deposited 25% of the allotment price. The balance amount was to be paid in 6 half yearly instalments till 02.09.2012. The petitioner admittedly did not deposit even a single instalment.

(2) The allotment is regulated by the Punjab State Agricultural Marketing Board (Sale & Transfer of Plots) Rules, 1999 formulated under the Punjab Agricultural Produce Market Act, 1961. Rule 4(6) of these Rules provides that "*in case of failure of the allottee to deposit instalment in time, <u>penal interest at the rate of twenty four per cent per annum shall be charged</u>. In case of default of two successive installments, the plot and the building, if constructed, shall be resumed by the Secretary of Committee after giving an opportunity of being heard to the concerned allottee*".

(3) Further Sub Rule (7) of Rule 4 says that *"...an amount equivalent to ten per cent of the total price of the plot, shall be forfeited*

along with interest and other dues, if any, payable by the allottee from the amount already deposited by him".

(4) In the case in hand, the petitioner did not deposit any instalment despite repeated notices, hence the Estate Officer invoked powers under the above-stated Rules and resumed the plot vide order dated 12.07.2017 (P2) besides forfeiting ten per cent value of the plot. The petitioner filed statutory appeal which has also been turned down by the Secretary of the Mandi Board vide order dated 14.03.2018 (P4) after observing that a sum of ₹ 23,87,457/- was payable by the petitioner when the plot was resumed by the Estate Officer but he was not inclined to pay the due amount.

(5) Still aggrieved, the petitioner has laid challenge to the above-stated orders.

(6) It is urged by counsel for the petitioner, on instructions, that the petitioner is willing to pay the allotment price along with interest at the Bank rate.

(7) Since Rule 4(6) of the 1999 Rules provides for penal interest at the rate of twenty four per cent per annum and the Rules have been framed by the State Government, it appears that the Board authorities are not in a position to grant any concession in the levy of interest. The petitioner, if so advised, may approach the State Government by way of a revision petition and show his *bona fide* by depositing the principal amount along with interest as chargeable at the Bank rate provided that his offer is acceptable to the State Government/Mandi Board authorities. In the interest of justice, it is directed that in case the petitioner files revision

petition before the State Government within *two weeks,* let the same be decided on merits.

(8) The writ petition stands disposed of accordingly.

(Surya Kant)
Judge

04.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned? ***Yes***
2. Whether reportable? ***No***