

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

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**RSA-4058-2012 (O&M)
Date of Decision : 27.7.2018**

Chief Administrator and another

....Appellants

vs.

M/s Pragati Oil and General Mills, Hisar and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. G.S.Wasu, Advocate
for the appellants.

Ms. Manpreet Kaur, Advocate for
Mr. Jainainder Saini, Advocate
for the respondent No.1.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit filed by the respondents. The respondents had challenged notice issued by the appellants whereby they had been required to pay market fee.

The Admitted case is that the respondents had purchased agricultural produce from some other market and had paid the market fee thereon and then had brought the produce to the Market Committee, Hisar. The only requirement left for them was to submit form 'LL' and form 'E' to the Market Committee, Hisar within 20 days. There was a delay in the submission of the forms. Going by that delay the appellants raised claim for the entire market fee again. Both the Courts below held that non-submission of forms 'LL' and 'E' would not render the respondents to liable

to pay market fee twice, because the Proviso attached to Rule 30 (5) of the Punjab Agricultural Produce Markets (General) Rules, 1962, would not be applicable to the facts of the case. The Courts below further found that Rule 39 provided for penalty for non/late submission of forms and at the most the appellants could invoke that rule but could not require the respondents to pay market fee twice over.

Counsel for the appellants is not in a position to explain me how the impugned judgments are wrong. Resultantly, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

27.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No