

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

LPA No.128 of 2018 (O&M)

Date of Decision :28.08.2018

Maman Singh

.....Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Jiwan Gautam, Advocate and
Mr.V.S.Rana, Advocate for the appellant.
Mr. Deepak Balyan, Addl. A.G. Haryana.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

When the matter was taken up on 20.08.2018, the following order was passed:-

“Against the order dated 10.01.2017 passed by the District Food and Supply Controller, Jhajjar, cancelling the licence issued to the petitioner-appellant under the Haryana Public Distribution System (Licensing Price Control) Order, 2009, an appeal was preferred before the Deputy Commissioner, which was dismissed on 29.08.2017 on the ground that no one on his behalf pressed it. The writ petition filed by the petitioner-appellant challenging the aforesaid two orders has been dismissed by the learned Single Judge on 26.10.2017 by the order impugned in this appeal on the ground that if the petitioner himself did not choose to appear before the Appellate Authority, it is he who is at fault and cannot blame others.

Be that as it may, from the perusal of the entire facts and circumstances, we find that after the initial order passed by the District Food and Supply Controller, Jhajjar, the case of the petitioner-appellant has not at all been considered by any of the authorities on-merits.

Notice of motion.

Mr. Deepak Balyan, Additional Advocate General appearing for the State of Haryana, who is present in Court, accepts notice on behalf of the respondents. He prays for three days' time to seek instructions in the matter.

Adjourned to 28.08.2018.”

In response to the notice, Mr. Deepak Balyan, Addl. A.G. Haryana on the basis of the instructions has no serious objections to the matter being remanded back to the Appellate Authority for hearing afresh in the matter.

We have already recorded in our order dated 20.08.2018 that from a perusal of the record it is clear that at none of the stage for whatever reasons there has been any consideration of the case of the petitioner-appellant by the authorities on merits. Thus, in the interest of justice, we set aside the Appellate Authority order dated 29.08.2017 and remit the matter back to be considered afresh by the Appellate Authority. Needless to say that the Appellate Authority shall proceed to consider and decide the matter after affording opportunity of hearing to all the stakeholders in accordance with law by speaking order expeditiously. The parties shall appear before the Appellate Authority on 13.09.2018 along with the certified copy of this order. We set aside the order of the learned Single Judge as well as Appellate Authority.

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

28.08.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No