

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 471 of 2018 (O&M) in
CWP No. 5754 of 2018
Date of decision: 2.4.2018

Atul Marwaha

.. Appellant

v.

Union of India and others

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr. Vaibhav Narang, Advocate for the appellant.

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Rajesh Bindal J.

The order passed by the learned Single Judge dismissing the writ petition has been impugned by filing the present intra court appeal.

The prayer made in the writ petition was for a direction to the respondents to refund the licence fee paid by the appellant for grant of licence to set up wood based industrial unit.

The appellant applied for grant of licence to set up wood based industrial unit in the State of Haryana, vide letter dated 5.7.2017. Thereafter, offer was given to the appellant for grant of licence to set up wood based industrial unit, subject to fulfilment of conditions, one of which was deposit of licence fee of ₹ 39,00,000/-. The appellant accepted the offer vide letter dated 6.9.2017 and deposited licence fee of ₹ 31,95,000/-. Subsequently, licence was also issued to the appellant.

Refund of the licence fee was sought claiming that vide notification dated 11.9.2017, wood based industries were exempted from any kind of licence. As the aforesaid notification was not retrospective in

application and further there being a clause in the letter of offer that licence fee once paid shall not be refundable under any circumstance, the claim of the appellant for refund of the licence fee prior to the issuance of notification dated 11.9.2017 has rightly been declined by the learned Single Judge. There is no error in the order passed by the learned Single Judge.

Accordingly, the appeal is dismissed.

(Rajesh Bindal)
Judge

(B. S. Walia)
Judge

2.4.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No