

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.8717 of 2019 (O&M)

Date of Decision : 03.04.2019

Chandigarh Gold Club

....Petitioner(s)

Versus

Union Territory of Chandigarh and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr.A.K.Chopra, Sr. Advocate with
Mr. Aashutosh Jerath, Advocate for the petitioner

Mr. Pankaj Jain, Sr. Standing counsel with
Mr. Anil Mehta, Addl. Govt. Pleader for UT, Chd.

MAHESH GROVER, J.(ORAL)

We have made it clear to the learned counsel for the parties that one of us (Mahesh Grover, J.) is a member of the Golf Club and brother Justice Lalit Batra has indicated his intention to its membership by making an application. We, therefore, put forward to both learned counsel for the petitioner as also UT, Chandigarh as to whether they have any objection to our hearing the matter to which both the learned counsel for the parties have stated that they have absolutely no objection if we commence upon the proceedings.

Having heard learned counsel for the parties, we notice that there is a limited grievance raised in the petition. An appeal against the assessed demand on account of property tax is pending where the petitioner has raised several questions disputing the assessment and consequent demand. The appeal is slated for hearing today i.e 3.4.2019 but without

waiting for its outcome the impugned order (Annexure P-10) has been passed resorting to coercive process to effect recovery. This has prompted the petitioner to come here and impugn the said order.

After hearing learned counsel for the parties and noticing that the substantive appeal preferred by the petitioner is still pending, we are of the opinion that resorting to coercive process to effect recovery of an assessment which is disputed, if permitted to stand, would frustrate the right of the petitioner to have an order from the appellate authority. We, would therefore dispose of the instant petition with a direction to the appellate authority to dispose of the appeal as expeditiously as possible, preferably within a period of four weeks from the date of receipt of certified copy of this order and pass a speaking/reasoned order by taking into account all the objections that the petitioner has raised in his appeal. Meantime, the impugned order (Annexure P-10) shall be kept in abeyance. If the appellate authority for some reasons concludes against the petitioner, the order of the appellate authority as also Annexure P-10 shall be kept in abeyance for further four weeks to enable the petitioner to take recourse to his remedies in law.

Disposed of.

A copy of this order be given dasti to the learned counsel for the parties.

(Mahesh Grover)
Judge

03.04.2019

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Lalit Batra)
Judge