

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

**CM-6568-CWP-2019 and
RA-CW-162-2019 in
CWP-25805-2018 (O& M)
Decided on : 03.05.2019**

Unitech Breweries Ltd.

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

**PRESENT: Mr. Sardavinder Goyal, Advocate
for the applicant-petitioner(s).**

AJAY KUMAR MITTAL, J. (Oral)

CM-6568-CWP-2019

This is an application under Section 151 CPC, seeking pre-ponement of the date of hearing fixed in CM-5646-CWP-2019 and RA-CW-162-2019.

After hearing learned counsel for the applicant-petitioner, and perusing the averments made in the application, which is supported by an affidavit, the date of hearing of CM-5646-CWP-2019 and RA-CW-162-2019 is pre-poned from 05.07.2019 to today.

CM stands disposed of accordingly.

CM-5646-CWP-2019

This is an application under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 148 days in filing the review application.

After hearing learned counsel for the applicant-petitioner, perusing the contents of the application, which is supported by an affidavit, the same is allowed and the delay of 148 days in filing the review-application, is hereby condoned.

CM stands disposed of accordingly.

RA-CW-162-2019

Learned counsel for the review-petitioner submitted that under the *bona fide* mistake and belief, on 06th October, 2018, the writ petition was dismissed as withdrawn with liberty to challenge the judgment and decree of the trial Court dated 12th January, 2018 dismissing the suit raising the same plea.

It was claimed that the Civil Suit filed by the petitioner was not maintainable in view of Section 42 of the Haryana Agricultural Produce Markets Act, 1961. Accordingly, a prayer for recalling of order dated 06th October, 2018, has been made.

After hearing learned counsel for the review-petitioner, perusing the averments made in the review-application, which is supported by an affidavit, the order dated 06th October, 2018, is hereby recalled and the writ petition is ordered to be restored to its original number.

CM stands disposed of.

CWP-25805-2018

At the oral request made by learned counsel for the petitioner, the writ petition is taken up for hearing today.

The prayer made in this writ petition filed under Article 226 of the Constitution of India, *inter alia*, is for issuing a writ in the nature of *Mandamus*, declaring that the respondent State has no legislative competence to levy market fee on the agricultural produce, the transaction of sale or purchase of which is completed outside the State of Haryana and that the respondent State has no legislative competence to levy market fee on the agricultural produce brought for the purpose of manufacturing from outside the State of Haryana and the resultant produce of which is not an agriculture produce. Besides above, certain other

prayers have also been made.

2. At the outset, learned counsel for the petitioner submitted that inadvertently, certain necessary averments could not be incorporated and the essential documents appended along with the writ petition. Accordingly, a prayer was made that he may be allowed to withdraw the present writ petition with liberty to the petitioner to file fresh one on the same cause of action by incorporating better particulars.

3. Dismissed as withdrawn with liberty as prayed for.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

May 03, 2019

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No