

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

Sr. No. 222-5

**CWP No.26865 of 2018
Date of decision : 9.7.2019**

M/s Brothers and Co.

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Gurminder Singh, Sr. Advocate with
Mr. R.P.S. Bara, Advocate, for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

DAYA CHAUDHARY, J. (Oral)

The petitioner is aggrieved by the so called speaking orders dated 24.5.2017 and 9.3.2018 (Annexures P-8 and P-9) on the ground that the contentions and the observations made in the order passed by the Division Bench on 26.2.2016 (Annexure P-7) have not been taken into consideration. The observations made by the Division Bench is equity based and the same were required to be considered.

Learned State counsel submits that a detailed speaking order was passed mentioning therein the reasons and cannot be said contrary to the judgment of the Division Bench.

Learned State counsel submits that the petitioner can be heard and thereafter, a fresh speaking order can be passed.

We have heard learned counsel for the parties and have perused the case file carefully.

By considering the submissions made by learned counsel for the parties, the present petition is disposed of with a direction to respondent-State to consider the claim of the petitioner in reference to observations made by the Division Bench vide order dated 26.2.2016 or any other submission raised in the detailed representation if made. The necessary order be passed after giving an opportunity of hearing to the petitioner. However, the petitioner is also directed to cooperate at the time his claim is considered.

Accordingly, the impugned order dated 24.5.2017 and 9.3.2018 (Annexures P-8 and P-9) are set aside. The necessary exercise be done within a period of two months from the date of receipt of a certified copy of this order. In case the petitioner wants to make any representation, the same will be moved within a period of one week from today. The respondent is also directed to give a notice in writing to the petitioner for appearance.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

9.7.2019

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No