

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

Sr. No.458 (3 cases)

Date of Decision : 25.02.2020

1) CWP No.5919 of 2002 (O&M)

M/s R.S. Rice Mills, Amritsar Petitioner

Versus

State of Punjab and others Respondent

2) CWP No.4204 of 2002 (O&M)

M/s R.J. Chatha Rice Mills, Amritsar Petitioner

Versus

State of Punjab and others Respondent

3) CWP No.16785 of 2002 (O&M)

M/s G.S. Chatha Rice Mills, Amritsar Petitioner

Versus

State of Punjab and others Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE AVNEESH JHINGAN**

Present :- Mr. Nitin Verma, Advocate
for Mr. Sameer Sachdeva, Advocate
for the petitioner(s).

Mr. Pankaj Gupta, Addl.A.G., Punjab.

Mr. Nitin Kaushal, Advocate
for respondents No.2 and 3 {CWP No.5919 & 4204 of 2002}

Mr. P.K.S. Gill, Advocate
for respondents No.2 and 3 (CWP No.16785 of 2002).

AJAY TEWARI, J. (ORAL)

1. By these petitions the petitioners have challenged the imposition of Market Fee, R.D.F., Penalty and Interest.
2. The primary ground taken is that many of the transactions were not exigible to imposition of Market Fee or R.D.F. for various reasons but this fact was not consider.
3. On the other hand, the stand of the respondent-Marketing Board is that the petitioners are obdurate assesseees and despite various opportunities they have not produced the record to substantiate the allegations made in the writ petitions.
4. Counsel for the respondents No.2 and 3 are not in a position to deny that the interim order was specifically refused to the petitioners (though it was clarified that in the event of the writ being allowed, the petitioners would be entitled to refund).
5. In our opinion, it would be in the interest of justice if the petitioners are granted one more opportunity to appear before the respondent No.3 to substantiate the claim made. Since the matter relates to a period three decades prior, we also deem it appropriate to fix a timeline. The petitioners through counsel are directed to appear before the respondent No.3 on 17.03.2020. Thereafter, they would be permitted to produce whatever material they want to within a period of one month i.e. upto 16.04.2020 and thereafter the respondent No.3 will also pass a fresh order in accordance with law expeditiously but in any case on or before 15.05.2020.

- 6. Petitions stand disposed of in the above terms.
- 7. Since the main cases have been decided, the pending C.M. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

February 25, 2020
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No