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

**CWP No.21099 of 2019
Date of Decision: 20.02.2020**

United Breweries Ltd., Banaglore

Petitioner

Versus

State of Haryana and others

Respondents

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

Present: Mr. Nitin Kant Setia, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Sourabh Bhorla, Advocate
for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

[1] This writ petition has been filed, *inter-alia*, with the prayer for issuance of writ in the nature of mandamus declaring that the respondent-State has no legislative competence to levy market fee on the agricultural produce, on sale or purchase transaction which is completed outside the State and on the agricultural produce brought for the purpose of manufacturing.

[2] In the present case, the claim made by the petitioner is that it had purchased barley from outside the State of Haryana and has duly paid the market fee in the area of purchase and therefore, was not exigible to market fee in the State of Haryana.

[3] Learned Deputy Advocate General, Haryana submits that the State adopts the reply filed by respondents No.2 and 3.

[4] It is not disputed that only a notice has been issued so far.

[5] The contention of learned counsel for the petitioner is that all the documents were submitted before the respondents and they are intentionally delaying and obfuscating the issue.

[6] In our considered opinion, this can be remedied by directing the respondent No.3 to decide the issue of exigibility of market fee on the goods purchased by the petitioner, involved in the present case. The petitioner would be at liberty to file reply to the show cause notice and decision thereon shall be taken by respondent No.3 within a period of two months from filing of reply. The petitioner, through counsel, is directed to appear before respondent No.3 on **02.03.2020**.

[7] Disposed of accordingly.

[8] Since the writ petition is disposed of, the pending application, if any, stands disposed of.

**[AJAY TEWARI]
JUDGE**

**[AVNEESH JHINGAN]
JUDGE**

February 20, 2020

<i>pankaj baweja</i>	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No