

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20972 of 2020

Date of Decision:07.12.2020

Balwinder Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG., Punjab.

Mr. Kartik Gupta, Advocate
for respondent no.5.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for issuance of a direction to respondent no.2 to decide the appeal (Annexure P-7), filed by the petitioner in a time bound manner and further to restrain respondents no.1 to 4 from allotting the Fair Price Shop at village Mana, District Hoshiarpur to any other person till decision of the appeal.

It is submitted that the petitioner was granted the license of Fair Price Shop in village Mana for distribution of essential goods to public on 11.06.2020 (Annexure P-4). The newly constituted Gram Panchayat raised objections because some of the members belong to different political parties and are inimical towards the petitioner. The petitioner was served with a show cause notice on 11.11.2020 on its complaint and was asked to appear before respondent no.4 on 12.11.2020. It is submitted that he was not afforded any time to file reply and license granted to the petitioner was

cancelled on 20.11.2020 (Annexure P-6). The petitioner is stated to have filed an appeal before respondent no.2. However, without deciding his appeal, applications for allotment of fresh license for the Fair Price Shop in question, have been invited and the last date for submission of the applications was fixed as 03.12.2020.

Learned counsel for the petitioner submits that the limited prayer addressed in the petition is that the petitioner's appeal should be decided prior to any fresh allotment of the fair price shop. Learned counsel further refers to instructions memo no. (110-A)-2016/1284 dated 15.06.2016 issued by respondent no.2, to submit that the license cannot be granted afresh during the pendency of his appeal. It is further submitted that the petitioner shall not, in any manner, delay the proceedings before the learned Appellate Authority.

Notice of motion.

Mr. Abhay Pal Singh Gill, AAG., Punjab appears on behalf of the respondent-State and accepts notice.

Mr. Kartik Gupta, Advocate, accepts notice on behalf of respondent-Gram Panchayat-respondent no.5.

Copy of the instructions memo no. (110-A)-2016/1284 dated 15.06.2016 has been circulated on the whatsapp group created for the purpose of video conference today. Copy of the same has been supplied to learned counsel for the respondents, as well.

Learned counsel for the respondent-State submits that the said instructions would be adhered to, in the present case, as well.

Keeping in view the facts and circumstances of the case and the limited prayer addressed, but without expressing any opinion on the merits of the case, this writ petition is disposed of with a direction to the Appellate

Authority-respondent no.2, to decide the petitioner’s pending appeal within one month after giving due opportunity of hearing to the petitioner. Till then, matter of grant of license of running the Fair Price Shop in village Mana, be not finally decided.

07.12.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.