

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

**CWP No.6944 of 2017 (O&M)
Date of decision : January 23, 2020**

Manohar lal **Petitioner**

Versus

State of Punjab and others **Respondents**

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amit Puri, Advocate for the petitioner.
Mr. Mehardeep Singh, Addl. A.G., Punjab.
Mr. Malkiat Singh, Advocate for
Mr. Sumit Jain, Advocate for respondent Nos.2 and 3.

HARSIMRAN SINGH SETHI J. (ORAL)

The challenge in the present writ petition is to the order dated 27.09.2011 (Annexure P-1), which has been passed by the Managing Director of the Punjab State Warehousing Corporation (hereinafter referred as 'the Corporation'). As per the said order, recovery has been imposed upon the petitioner.

Learned counsel appearing for respondent No.2 and 3 raised a preliminary objection that the order dated 27.09.2011 (Annexure P-1) is an appealable order and that the petitioner without filing any appeal to the Appellate Authority, approached this Court.

Faced with this situation, learned counsel for the petitioner states that the petitioner be allowed to withdraw the present writ petition with liberty to file an appeal against the order dated 27.09.2011 (Annexure P-1). Learned counsel for the petitioner raised an apprehension that as the period of filing the appeal has been lapsed and his appeal might not be entertained.

Learned counsel for respondent No.2 and 3 states that in case, any appeal is preferred by the petitioner against the order dated 27.09.2011 (Annexure P-1), the same will not be rejected on the ground of delay and will be decided on merits by passing an appropriate order.

Keeping in view the above, the petitioner is allowed to withdraw the present writ petition with liberty to file an appeal against the order dated 27.09.2011 (Annexure P-1).

Dismissed as withdrawn, with the liberty, as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

January 23, 2020

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Whether speaking / reasoned Yes

Whether Reportable: No