

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

CWP No.1007 of 2021

Date of Decision: 15.01.2021

Ankur Batra and another

...Petitioners

Versus

State of Haryana and others

....Respondents

(Proceedings through Video Conferencing)

CORAM :- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Kumar Sharma, Advocate
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed for setting aside the Order dated 26.02.2019 (Annexure P-1) passed by the learned Collector-cum-DRO, Rohtak as well as Order dated 05.08.2020 (Annexure P-2) passed in the appeal by the learned Divisional Commissioner, Rohtak Division, Rohtak by which, the petitioners have been directed to pay the enhanced stamp duty.

Learned counsel for the petitioners argues that the orders which have been passed by the authorities below, have been passed in violation of the rules of natural justice as the petitioners have not been given any opportunity to present their case.

Learned counsel for the petitioners submits that in the appeal which was preferred by the petitioners against the Order dated 26.02.2019, the counsel for the petitioners could not present himself and argue due to

the pandemic of *Covid-19* and had made a request for an adjournment, which request was not acceded to by the Appellate Authority while passing the Order dated 05.08.2020 and the Divisional Commissioner, Rohtak Division, Rohtak passed the Order dated 05.08.2020 without any assistance either from the petitioners or their counsel, hence same may kindly be set aside and the case be remanded back to the Appellate Authority for a fresh decision after hearing the petitioners. Learned counsel for the petitioners submits that only one opportunity be granted to the petitioners to present their case on which date either the petitioner or his counsel will appear and argue the appeal.

Notice of motion.

Ms. Rajni Gupta, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State.

Learned State counsel submits that she has the instructions that in case, petitioners will avail one opportunity to present their case either themselves or through their counsel to argue the appeal No.195/E.A, a fresh order will be passed by the Divisional Commissioner, Rohtak Division, Rohtak after giving due opportunity of hearing to the petitioners.

Learned counsel for the respondent submits that Order dated 05.08.2020 be treated as withdrawn with liberty to pass a fresh order after giving due opportunity of hearing to the petitioners, keeping in view the facts and circumstances of this case.

Learned counsel for the petitioners submits that either the petitioners or their counsel will appear before the Appellate Authority i.e the Divisional Commissioner, Rohtak Division, Rohtak on 28.01.2021 for addressing the arguments and no further opportunity will be asked for.

Learned counsel for the respondents is agreeable with regard to the date proposed by the learned counsel for the petitioners.

Learned counsel for the petitioners submits that as the Appellate Order dated 05.08.2020 has been withdrawn with liberty to pass an order afresh after affording an opportunity of hearing to the petitioners, the grievance of the petitioners stands redressed and present writ petition be disposed of having not pressed any further.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

15.01.2021
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No