

CM-14978-CWP-2021 in/and
CWP No. 2093 of 2021 (O&M)
Date of Decision: 08.10.2021

M/s Saraswati BKO

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ravinder Phogat, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

CM-14978-CWP-2021

This is an application for preponing the date of hearing in the main case.

For the reasons mentioned in the application, the same is allowed. The hearing of the main case is preponed for today.

Main Case

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari quashing the impugned order dated 07.02.2020 and 13.10.2020 (Annexures P-4 and P-6) passed by respondent No.2, whereby the appeal and review application filed by the petitioner has been dismissed, with a further prayer to quash the impugned order dated 26.08.2015 (Annexure P-1) passed by the District Magistrate, Bhiwani, whereby the licence of brick-kiln of the petitioner was cancelled and order dated 10.11.2016 (Annexure P-2) passed by respondent No.3, whereby the appeal filed against the order dated 26.08.2015 has been dismissed.

Without adverting to the merits, learned counsel for the petitioner has submitted that although at the time when the licence of the petitioner was cancelled, the petitioner was not having 'No Dues Certificate' from the Sale Tax Department of the State. However, subsequent thereto the petitioner had obtained clearance and No Dues Certificate from that department; as well. It is further submitted that the No Dues Certificate has even been attached with the present petition as Annexure P-8. Hence, it is submitted that the petitioner would be satisfied if the respondents are directed to re-consider the issue of licence of the petitioner in view of the subsequent fact; that of obtaining No Objection Certificate from the Taxation Department.

Learned counsel for the respondents is also not averse to the expeditious disposal of the claim of the petitioner.

In view of the above, the present writ petition is disposed of with a direction to respondent No.2 to re-consider the claim of the petitioner in view of the No Objection Certificate attached as Annexure P-8 with the present writ petition.

(RAJBIR SEHRAWAT)
JUDGE

08.10.2021
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No