

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

**LPA No.185 of 2021 (O&M)
Date of Decision :15.02.2021**

State of Punjab and others

.....Appellants

Versus

Himanshu Kukkar and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Atul Nanda, Advocate General, Punjab with
Ms. Diya Sodhi, AAG, Punjab for the appellants.

Mr. Salil Sabhlok, Advocate for respondents No.1 to 5.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This is an *intra court* appeal, under clause-X of the letters patent against an interim order dated 28.01.2021, vide which, for lack of assistance by the department the learned Single Judge was impelled to adjourn the matter to 18.03.2021 and a cost of Rs.2 lacs has since been imposed upon the Principal Secretary, Government of Punjab, Department of Food, Civil Supplies and Consumer Affairs (appellant No.3).

Learned Advocate General, Punjab submits that scope of this appeal is confined to imposition of costs alone. In reference to the multiple grounds raised in the appeal as also the affidavit of the State counsel (Annexure A-1), sought to be placed on record by way of additional evidence, he asserts that the order that is being assailed is unsustainable.

The factual position canvassed before us is not disputed by

learned counsel for the respondents (petitioners in writ petition) either, who upon being served with an advance copy of the appeal is present, and submits that he does not wish to oppose the appeal and shall have no objection if the impugned order is set aside.

However, learned counsel for the parties express regrets for the inconvenience caused to the Court and undertake to render due and necessary assistance to the writ Court and argue the matter on the date fixed, subject of course, to the convenience of the Court.

Having heard learned counsel for the parties and perused the record, we do not wish to delve into the merits any further, and in the given situation, consider it just and appropriate to set aside the order under challenge as regards imposition of costs of Rs.2 lacs upon appellant No.3 personally. And, it so ordered. We are sanguine that the parties shall render the required assistance to learned Single Judge to enable him to proceed further with the matter.

The appeal is accordingly disposed of in the above terms.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

15.02.2021

Manoj Bhutani/NDJ

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No