

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

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**CM-18341 & 18345-CWP-2021 IN/AND  
CWP-5416-2021**

Date of Decision: 15.12.2021

M/s Star Global Multi Ventures Pvt. Ltd.

....Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI  
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Rishab Singla, Advocate,  
for the petitioner.

Mr. Rishabh Kapoor, Senior Standing Counsel,  
for the respondents.

**AJAY TEWARI, J. (Oral)**

**CM-18341-CWP-2021**

This is an application for placing on record office order dated 29.10.2021 of this Court as Annexure A-1.

For the reasons mentioned in the application, the same is allowed and Annexure A-1 is taken on record.

**CM-118345-CWP-2021**

This application has been filed for early hearing of the main case.

For the reasons mentioned in the application, the same is allowed and the main case is taken up on board today itself for final disposal.

**CWP-5416-2021**

1. By this petition, the petitioner has challenged the appellate order dated 30.09.2020 (Annexure P-9) rejecting his appeal on the ground of limitation.

2. Reply dated 28.04.2021 has been filed on behalf of respondent No.3 and the same is taken on record. Copy thereof has been supplied to the opposite counsel.

3. The facts of the case are that the original impugned order was passed and served on 21.12.2019 and consequently appeal would have to be filed on or before 21.03.2020. In view of Covid-19 pandemic, the petitioner filed an appeal

on 17.06.2020 alongwith notification dated 03.04.2020 which extended the time limit to file an appeal. However, the appellate authority, instead of counting the start of limitation from the day after the service of order i.e. 22.12.2019 counted it from the date of the order, which is against the provisions of the Limitation Act.

4. The other objection taken is that this order is appealable. It is not disputed that no Tribunal has been setup in fact there are large number of cases which were repeatedly adjourned on the statement of the Additional Solicitor General of India from time to time that the Tribunal was being setup and ultimately it was only with effect from December, 2021 that this Bench started taking the view that since the Tribunal is not setup, this Court could not be a passive spectator and consequently started rejecting the objection in respect of their being a remedy of appeal before the Tribunal.

5. In this view of the matter, the petition is allowed and the impugned order is set aside. It is directed to pass a fresh order after treating the appeal as within limitation. For this purpose, the petitioner is directed to appear before the appellate authority on 23.12.2021 or any other date as and when the appellate authority may require their presence.

**(AJAY TEWARI)**  
**JUDGE**

**(PANKAJ JAIN)**  
**JUDGE**

**15.12.2021**  
adhikari

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|-------------------------------|---|-----|
| Whether speaking/non-speaking | : | Yes |
| Whether reportable            | : | No  |