

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

CWP-14293-2021 (O&M)
Date of decision:- 02.08.2021

M/s Nahar Sugar (unit of Nahar Industrial Enterprises Ltd.),
Ludhiana

...Petitioner (s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Surjeet Bhadu, Advocate,
for the petitioner.

Ms. Lavanya Paul, Assistant Advocate General, Punjab.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in
virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner assailing the demand letters/notices dated 03.10.2019, 20.10.2020 and 02.11.2020 (Annexure P-3) issued to it proposing to recover contribution under the provisions of Section 6(f) of the Punjab State Cancer and Drug Addiction Treatment Infrastructure Fund Act, 2013 (in short the Act).

The petitioner has also assailed the constitutional validity of the provisions of the Act on various grounds.

Learned counsel for the petitioner points out that pursuant to the demand letters/notices dated 03.10.2019, 20.10.2020 and 02.11.2020 (Annexure P-3) issued to the petitioner seeking recovery, it has filed several representations, but the authorities without addressing the issues raised by the petitioner are continuing to take steps for enforcing the recovery. Hence, this petition.

Ms. Lavanya Paul, learned Assistant Advocate General, Punjab submits that the authorities would look into the representations filed by the petitioner and take a decision thereon and communicate the same to it expeditiously in accordance with law, preferably within a period of eight weeks.

Learned counsel for the petitioner submits that in that case, the petitioner may be permitted to file fresh grounds and representation before the authorities and the petition be disposed of in terms of the statement made by

learned State counsel keeping the issue of constitutional validity of the provisions of the Act open for adjudication in case occasion arises in future.

In view of the submission and prayer of learned counsel for the petitioner and the statement made by learned State counsel, we do not find any reason to entertain the present petition which is disposed of. It is made clear that this Court has not expressed any opinion on the merits of the case and, therefore, the authorities would be at liberty to examine the matter in accordance with law. However, all the questions raised in the petition are kept open to be adjudicated, if the situation or occasion so arises.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.08.2021

Amodh

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