

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 12329 of 2021 (O&M)

Date of decision:- 12.07.2021

M/s Sahil Medicos and anotherPetitioners
Versus

Guru Angad Dev Veterinary & Animal Sciences University, Ludhiana and
others
...Respondents

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

Present:- Mr. Jagat Vir Dhindsa, Advocate, for the petitioner.
(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, CHIEF JUSTICE (oral)

This petition has been filed by the petitioners being aggrieved by the licence fee being charged in excess by the respondents for the drug store which the petitioner has been permitted to operate in Guru Angad Dev Veterinary & Animal Sciences University, Ludhiana. It is undisputed that the petitioner's lease agreement had already come to an end and fresh tender proceedings initiated by the respondent-authorities are subject matter of the writ petition filed before this Court i.e. Civil Writ Petition No. 26576 of 2018, in which an interim order was passed by this Court on 15.10.2018.

It is stated by learned counsel for the petitioners that owing to the status quo that prevails because of the interim order passed by this Court, the respondent-authorities had requested the petitioners vide letter dated 13.09.2018 to continue to operate the shop till fresh agreement was finalised on payment of licence fee of Rs.1,55,000/- plus taxes. It is submitted that though the petitioners have acceded to the request of the authorities under protest but the licence fee now being claimed/charged by the respondent authorities is far in excess than the licence fee (Rs.87,120/- plus GST) that was being paid by the petitioners earlier. Thus, at best the authorities could have raised the amount by 10% whereas it has practically been doubled. Thus, he submits that the authorities be directed to refund the excess licence fee paid by the petitioners.

For the petitioners are continuing to occupy the shop pursuant to an interim arrangement made by the respondent-authorities till the decision of the pending writ petition before this Court challenging the tender proceedings, it would rather be expedient if the petitioners approach the respondent-authorities by filing a fresh representation for reduction in the licence fee.

Therefore, in the circumstances and without making any comments on merits, the petition is disposed of granting liberty to the petitioners to file a fresh representation before the authorities raising their concerns and grievances. Whereafter, the concerned authorities shall consider and decide the same expeditiously in accordance with law and pass a reasoned order.

It is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the respondent-authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

12.07.2021
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Whetherspeaking/reasoned	Yes/No
Whetherreportable	Yes/No