

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

106

**CWP-13836-2021 (O&M)
Decided on : 28.7.2021**

M.R.Traders through its Proprietor

....Petitioner

VS

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Deepak Gupta, Advocate
for the petitioner.

AJAY TEWARI, J.(Oral)

1. This writ petition has been filed under Articles 226 and 227 of the Constitution of India for directing respondent No.2 to release the goods along with conveyances on payment of tax and penalty along with security other than cash or bank guarantee.
2. It is not disputed by the learned counsel for the petitioner that earlier the petitioner had filed Civil Writ Petition No.11855 of 2021 which was apparently disposed of with a direction to petitioner to appear before the authority and thereafter the fresh order would be passed in accordance with law. In the fresh order, it has been categorically mentioned that despite the direction of this Court the petitioner did not appear before respondent No. 2 on two dates i.e. 9.7.2021 and 16.7.2021. However, in the writ petition this absence is glossed over in the following terms :-

*“The petitioner in compliance to the order dated
9.7.2021 appeared before the respondent who vide two*

different orders of even dated 16.7.2021 (Annexure P-5 & P-6) has confiscated the goods along with conveyances. The Respondent vide orders (Annexure P-5 & P-6) has determined tax, penalty and fine.”

3. Further we find that in the writ petition there is even no averment that the respondent No.2 has wrongly recorded that the petitioner did not appear.

4. In these circumstances, we are constrained to dismiss this writ petition at this stage with liberty to the petitioner to move an application before respondent No.2 to pray to correct the presence sheet and record his presence, in accordance with law.

5. Since the main case has been decided, the pending application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(VIKAS BAHL)
JUDGE

28.07.2021
anuradha

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