

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CWP-12649-2022 (O&M)
Date of Decision:01.06.2022**

Manav Agri Foods Pvt. Ltd.

.....Petitioner

Versus

Haryana State Agricultural Marketing Board and ors.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present:- Mr. Raman B. Garg, Advocate for the petitioner.
Mr. Rajesh Gaur, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

Challenge in the instant petition is to the demand notices dated 15.01.2022, 27.01.2022 and 11.05.2022 (Annexures P-9, P-10 and P-13) respectively.

One of the primary contention raised by counsel during the course of hearing is that a show cause notice dated 14.12.2021 at Annexure P-1 had been served upon the petitioner-company regarding exemption of market fee under Rule 30 (8) of the Haryana Agricultural Produce Markets (General) Rules, 1962. The same had been responded to in terms of reply dated 24.12.2021 at Annexure P-4.

Categoric assertion made by counsel is that without passing of a final order pursuant to the show cause notice having been issued, the impugned demand notices had been served upon the petitioner.

Taking notice of such submission we had requested, Mr. Rajesh Gaur, Addl. A.G. Haryana, to complete instructions in the matter.

Having taken up the case again in the post lunch session, Mr. Gaur, on instructions from Ms. Asha Rani, Secretary, Haryana State Agricultural Market Committee, Ganaur, District Sonapat, does not dispute the contention and assertion that had been raised by the counsel for the petitioner and as noticed hereinabove. He very fairly states that the competent authority shall now consider the reply that had been submitted by the petitioner dated 24.12.2021 at Annexure P-4 in accordance with law and would pass a reasoned order after affording an opportunity of personal hearing to the authorized representative of the petitioner-company.

In the light of such fair stands taken on behalf of the respondents and without opining on the merits of the case, the impugned notices dated 15.01.2022, 27.01.2022 and 11.05.2022 (Annexures P-9, P-10 and P-13) are set aside and matter is remanded back to the 3rd respondent i.e. Secretary-cum-Executive Officer, Market Committee, Ganaur, District Sonapat, Haryana, to proceed in the matter further in accordance with law and from the stage of submission of reply of the petitioner to the show cause notice dated 14.12.2021 (Annexure P-1) and to thereafter take a final decision expeditiously and in any case within a period of three months from today.

It is further observed that in case the petitioner-company were to submit a supplementary reply to the show cause notice dated 14.12.2021 (Annexure P-1) within a period of 10 days from today, the same would also be taken into account.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(PANKAJ JAIN)
JUDGE

01.06.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No