

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

123

CWP-30036-2022

Decided on : 23.12.2022

M/s Rashi Impex, through its sole Proprietor Sh. Rajesh Jain

.....Petitioner(s)

Versus

Advisor to the Administrator, U.T. Chandigarh and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Narayan Prasad Gupta, Advocate for the petitioner (s).

Mr. Abhinav Sood, Advocate for the respondent (s).

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to show cause notice dated 14.11.2022 (Annexure P-4) issued for non-compliance of the Clause 8 and 10 of the Excise Police 2022-2023. The petitioner has been put to notice as to why the license should not be cancelled/suspended under Section 36 (C) of the Punjab Excise Act, 1914 and he had to put in appearance on 22.11.2022.

The apparent reason for issuing show cause notice is that the Fire Safety Certificate which is mandatory for Wholesale Licensees is wanting on his part.

Counsel has submitted that in pursuance of the said show cause notice, he was to put in appearance on 22.11.2022 before the concerned authority. He has filed a detailed representation on the said date (Annexure P-16) giving his justification as such and also pointing out that the business has been stopped by obstructing/accessing or disabling the login facilities of account of petitioner on web page of Excise and Taxation, Chandigarh by using User ID and Password without any notice or intimation. It is, thus, resulting in huge loss in his business.

Counsel has further submitted that no decision has been taken on the said show cause notice and the reply and he has also issued legal notice dated 24.11.2022 (Annexure P-17) to the Municipal Corporation, Chandigarh and the Chief Fire Officer, Municipal Corporation, Chandigarh regarding issuance of the NOC by claiming that he had applied for NOC in the year 2018 vide application No.CFO/257 dated 16.11.2018. It is, thus, in such circumstances an innocuous prayer has been made that without passing any order on the show cause notice, he cannot be adversely acted against.

Notice of motion.

Mr. Abhinav Sood, Advocate has put in appearance on behalf of respondent Nos.1 to 5 having advance copy.

Keeping in view the limited prayer as such and the fact that festival season is around the corner and the business of the petitioner is adversely affected, we are of the considered opinion that competent authority shall take a decision on the said show cause notice dated 14.11.2022 (Annexure P-4) by keeping in mind the defence taken in the reply within a period of 7 days, so that the petitioner can avail his remedies in accordance with law.

The writ petition stands disposed of, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

23.12.2022
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No