

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

CWP-9574-2023

Date of Decision: May 10, 2023

BENIPAL CEMENT STORE AND ANOTHER Petitioners

Versus

STATE OF PUNJAB AND OTHERS Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Mohit Jaggi, Advocate for the petitioners.

Ms. Deepali Puri, Addl. AG, Punjab.

LISA GILL, J.

1. Grievance raised by the petitioners in this writ petition is that its 'Mineral Dealer License' i.e. MDL-209 has been cancelled by the respondent authorities vide order dated 19.04.2023 without even issuance of show cause notice leave alone affording an opportunity of hearing to them, with further prayer to direct respondent No. 3 to renew 'Trade License Certificate' issued to the petitioners till October, 2024.

2. Learned counsel for the respondent – State on 04.05.2023 was asked to seek instructions in respect to the averment that order dated 19.04.2023 has been passed without issuance of show cause.

3. Learned counsel for the State, on instructions from Sh. Sarabjit Singh Gill, Executive Engineer/District Mining Officer, Mohali, affirms and

verifies that before passing of order dated 19.04.2023 whereby MDL- 209 was cancelled, no show cause notice was issued.

4. In this view of the matter, said order dated 19.04.2023 is clearly unsustainable. It is a settled position of law that an order having serious consequences, cannot be passed in violation of the applicable provisions of law and in violation of principles of natural justice.

5. Accordingly, order dated 19.04.2023 is set aside with liberty to the respondents to pass a fresh order after issuance of show cause notice to the petitioners and affording it due opportunity of hearing in accordance with applicable provisions of law.

6. Learned counsel for the petitioners, at this stage, does not press the prayer regarding renewal of 'Trade License Certificate' while seeking liberty to the petitioners to pursue remedy/remedies available to them in accordance with law in this respect.

7. Writ petition, is, thus partly allowed in the above said terms, with liberty to the petitioners to avail their remedy in accordance with law in respect to renewal of their licence.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

May 10, 2023
rts

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No