

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

(219)

CWP-13558-2015

Date of decision: - 04.05.2023

Panjab University Chandigarh**....Petitioner****Versus****The Divisional Commissioner and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Hrithik Chaudhary, Advocate
and Mr. Pawan K. Pahwa, Advocate
for the petitioner.

None for respondent No.1.

Mr. Suman Jain, Advocate
and Mr. Rishabh Jain Advocate
for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari for quashing the orders dated 24.04.2015 (Annexure P-6) passed by respondent No.1 and order dated 07.05.2014 (Annexure P-4) passed by respondent No.3 vide which the respondents imposed penalty of Rs.83,421/-.

2. On 13.08.2015, Co-ordinate Bench of this Court was pleased to pass the following order: -

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

Learned counsel for the petitioner has submitted that the

impugned order is without any reasoning.

Notice of motion for 13.10.2015.

In the meantime, operation of the impugned order shall remain stayed.

13.08.2015

**(RAKESH KUMAR JAIN)
JUDGE”**

3. It has been stated by learned counsel for the petitioner as well as learned counsel for respondents No.2 and 3 that the appellate authority had dismissed the appeal of the petitioner, vide order dated 24.04.2015 primarily on the ground that the petitioner had not attached the proof of deposit of outstanding tax and other dues, which amounted to Rs.83,421/- alongwith the appeal.

4. Learned counsel for the petitioner has submitted that the petitioner is ready to deposit tax and other dues as required under law within a period of one month from today and has thus, prayed that the order dated 24.04.2015 (Annexure P-6) be set aside and the case be heard on merits.

5. Learned counsel appearing on behalf of respondents No.2 and 3 has submitted that in case the required amount is deposited within a period of one month from today, then, the appellate authority be directed to hear the case on merits. It is further submitted that respondents No.2 and 3 be granted proper opportunity to make their submissions before the appellate authority.

6. Keeping in view the above-said facts and circumstances, the present petition is partly allowed and the order dated 24.04.2015 (Annexure P-6) is set aside and the appellate authority under the Punjab

Municipal Corporation Law (Extension to Chandigarh) Act, 1994 is directed to hear the matter on merits, as expeditiously as possible, after giving an opportunity of hearing to the petitioner as well as the respondents.

7. The petitioner is directed to deposit tax and other dues within a period of one month from today and after the said deposit, the appellate authority would decide the matter afresh on merits in accordance with law.

8. It is made clear that in case tax and the other dues are not deposited by the petitioner within a period of one month from today, the present writ petition would be deemed to have been dismissed.

9. Petitioner as well as respondents, through their counsel, would appear before the appellate authority on 25.05.2023 at 11.00 PM.

May 04, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No