

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

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**2023:PHHC:149894
CWP No.26559 of 2023
Date of Decision:24.11.2023**

M/s Shiva Rice Mills and another

....Petitioners

VS.

Union of India

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Daman Dhir, Advocate
for the petitioners

Mr. Inderpreet Singh Kang, AAG, Punjab

Mr. Abhishek Arora, Advocate
for Mr. Sumit Jain, Advocate
for PUNGRAIN

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of order dated 17.11.2023 (Annexure P-10) whereby petitioners have been blacklisted for three years and there is order to shift paddy lying in the premises of the petitioners.
2. Learned counsel for the petitioners submits that impugned order was preceded by show cause notice and from the perusal of show cause notice, it is quite evident that there was no proposal of punishment as has been awarded vide the impugned order. It is settled proposition of law that adjudicating authority cannot travel beyond the show cause notice.

3. Learned State counsel, who on advance notice is present in Court, submits that the impugned order is an appealable order and if petitioners prefer appeal it would be decided within seven days.

4. In the wake of statement of learned State counsel, the petition stands disposed of with liberty to the petitioners to prefer appeal before appellate authority.

5. In view of the peculiar facts and circumstances, it is hereby directed that the impugned order shall not be enforced till the disposal of appeal, if petitioners prefer appeal within four days from today.

(JAGMOHAN BANSAL)
JUDGE

24.11.2023
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No