

CWP-28141-2023

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2023:PHHC:160339

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

Date of decision : 14.12.2023

1.

CWP-28141-2023

Ranjit Transport Company

... Petitioner

Versus

The State Transport Appellate Tribunal, Punjab and others

... Respondents

2.

CWP-28150-2023

Guru Nanak Transport Company

... Petitioner

Versus

The State Transport Appellate Tribunal, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Lekh Raj Sharma, Advocate,
Mr.Abhishek Sharma, Advocate,
Mr.Sharma Raj Kumar, Advocate
Mr.Vivek Kumar, Advocate and
Mr.Abhikant Vats, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab.

Mr.Harpinder Singh Jalal, Advocate
for respondent no.4.

VIKAS BAHL, J.(ORAL)

1. This order will dispose of two writ petitions i.e., CWP-28141-2023 filed by Ranjit Transport Company and CWP-28150-2023 filed by Guru Nanak Transport Company as challenge in both the cases is to the

2. Learned counsel for the petitioner has submitted that the appeal was filed by respondent no.4 against the order dated 27.12.2021 in which, the petitioner was not duly served and was wrongly proceeded against ex-parte and the said order has prejudiced the rights of the petitioner.

3. Learned counsel for the petitioner has made a limited prayer to the effect that the impugned order dated 20.10.2022 and 01.08.2023 be set aside and the State Transport Appellate Tribunal, Punjab be directed to re-adjudicate the matter after hearing all the parties concerned.

4. Learned counsel appearing for respondent no.4 in both the writ petitions has submitted that at the time when the appeal is re-heard, all the pleas raised by respondent no.4 be also considered.

5. Keeping in view the above said facts and circumstances, and also the fact that a perusal of the order dated 20.10.2022 would show that the petitioner has not been duly served thus, both the writ petitions are partly allowed and the orders dated 20.10.2022 and 01.08.2023 are set aside and the State Transport Appellate Tribunal, Punjab, is directed to re-adjudicate the appeal no.316/2022 after hearing all the parties concerned. The petitioner and respondent no.4 through their counsel would appear before the State Transport Appellate Tribunal, Punjab, on 19.12.2023 and the Appellate Tribunal would decide the said appeal as expeditiously as possible after hearing all the parties concerned, preferably within a period of 3 months from the date of their appearance.

6. It is made clear that this Court has not opined on the merits of the case and it would be open to all the parties concerned to raise all the pleas available to them in law and the State Transport Appellate Tribunal would decide the appeal independently, in accordance with law.

7. Both the learned counsels have jointly prayed that till the time

the said appeal is decided, status quo as it exists today, be maintained.

8. In view of the said prayer, till the time the said appeal is decided, status quo as it exists today be maintained. It is made clear that the grant of the said order should not be construed as an expression on the merits of the case and status quo would only be maintained till the time the appeal is decided.

9. It is further pointed out that there are certain other appeals which are pending against the order dated 27.12.2021 and that the petitioner be granted liberty to make a mention with respect to the said appeals to the effect that the same be also heard along with appeal no.316/2022.

10. In view of the request made by learned counsel for the petitioner, it would be open to the petitioner to make the said request before the Appellate Tribunal and the Appellate Tribunal would consider the same, in accordance with law.

(VIKAS BAHL)
JUDGE

December 14, 2023.

Davinder Kumar

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