

CWP No.16923 of 2003(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP No.16923 of 2003(O&M)
Date of decision: 02.02.2024

M/s Raj Textile Mills

... Petitioner

Versus

The State of Haryana & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr. Kulwant Singh, Advocate,
for the petitioner.

Ms. Mamta Singla, Talwar, DAG, Haryana.

Mr. Parminder Singh Kanwar, Advocate,
for respondent No.3.

G.S. SANDHAWALIA, J. (Oral)

1. The sole grouse of the petitioner herein is regarding the imposition of penalty of Rs.1,00,000/- while assessing the market fees, which has been imposed by respondent No.3. The net payable amount of market fees was assessed at Rs.1,41,343.63 vide demand notice dated 03.02.1997 (Annexure P-1) on which the penalty of Rs.1,00,000/- has been levied.

2. The petitioner had filed an appeal, which was dismissed vide order dated 09.03.2000 (Annexure P-6) by the Chief Administrator of the Haryana Marketing Board on the ground that the penalty could go upto 100% of the total market fee assessed.

3. We have also perused the Rule 31(9) of the Punjab Agricultural Produce Markets (General) Rules, 1962, which also shows that under Rule 31(8) the Committee can recover from the defaulter a penalty equal to the fee or additional fee so levied.

4. The petitioner had further filed a revision petition which was also dismissed on 14.02.2001 (Annexure P-8) on the ground that there was no such irregularity or action that was not in accordance with the rules or the bye-laws. Resultantly, imposition of penalty has been challenged.

5. While issuing notice of motion on 28.10.2003, relief had been granted that the petitioner could deposit 50% of the penalty imposed and the recovery of the remaining amount was stayed.

6. Counsel has now pointed out that in similar cases, the penalty as such upon other firms was to the extent of approximately 20% by referring to Annexures P-2 to P-4 and therefore, claimed that arbitrary and discriminatory methodology was adopted. Specific averments have been made in paragraph 8 of the writ petition regarding this aspect, which has not been justified in any manner by the respondents in their reply, wherein simple stand is taken that ample opportunity has been granted before levying the penalty. He further submits that 50% of penalty has already been deposited by the petitioner.

7. Keeping in view the admitted position as such and the fact that the interim order is in favour of the petitioner for a long period, we are of the considered opinion that the penalty is liable to

be 50% of the total amount under the facts and circumstances of the case.

8. The writ petition is partly allowed to that extent by modifying the orders, which have been impugned as noticed above and reducing the penalty to Rs.50,000/-.

(G.S. Sandhawalia)
Judge

02.02.2024
monika

(Lapita Banerji)
Judge

Whether reasoned/speaking: Yes

Whether reportable: No