

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CWP-3310-2021 (O&M)
Date of decision: 19.09.2024

SURINDER BILLA

..Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

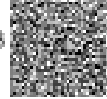
CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Sachdeva, Advocate for the petitioner.
Mr. Salil Sabhlok, Sr. DAG, Punjab.

* * * *

SHEEL NAGU, C.J. (Oral)

1. The present petition raises grievance of inaction on the part of Authority to decide application for renewal of license under the Explosives Act, 1884 (in short '1884 Act'), which expired on 02.07.2018. When two and a half years elapsed after filing of renewal application, the petitioner preferred this petition.
2. This Court took cognizance of this matter and thereafter, expressed concern on account of the fact that during pendency of this petition, when matter was sub-judiced, the application for renewal of license was rejected on 21.09.2021 by District Magistrate, Gurdaspur.
3. This Court took note of this act of District Magistrate and stayed the said order dated 21.09.2021, vide interim order dated 30.09.2021.
4. The matter thereafter, proceeded on various dates and is pending since last 3-4 years.



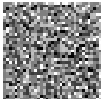
5. There are plenty of submissions made by learned counsel for petitioner as well as learned counsel appearing on behalf of State of Punjab, which lie exclusively within the domain of disputed questions of fact, which ought not to be delved upon while exercising the writ jurisdiction specially when statutory remedy under Rule 121 of Explosives Rules, 2008 is available to the petitioner to be availed.

6. Since, learned counsel for petitioner has expressed concern that due to period of limitation for preferring appeal having expired, the appeal may not be accepted by the Appellate Authority-Commissioner.

7. In view of above, without entering into merits and owing to disputed questions of fact having been raised by the rival parties, this Court relegates the petitioner to the Appellate Authority under Rule 121 of Explosives Rules, 2008 against order dated 21.09.2021, passed by District Magistrate.

8. It is thus directed that in case an appeal is filed before the Appellate Authority after satisfying all the provisions of '1884 Act' and the Rules framed thereunder, within a period of 30 days from today along with copy of this order, the said appeal shall be considered and decided by the Appellate Authority on merits without being dismissed on the ground of limitation alone.

9. This Court hastens to clarify that no comments have been made on any of the disputed questions of fact or the grounds raised in this petition. The Appellate Authority is free to decide the matter either way, without being influenced by the previous orders passed by this Court or the fact of petitioner having approached this Court.



10. It is expected that the Appellate Authority shall decide the appeal, if filed, by passing a speaking order within a period of 60 days from the date of filing of the appeal.
11. Pertinently, the interim order passed by this Court on 30.09.2021, shall continue to protect the petitioner till the Appellate Authority takes its own decision on merits.
12. With these observations, the present petition is disposed of.
13. All the pending miscellaneous applications, if any, are also disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

September 19th, 2024

Ay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>