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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-14710-CWP-2024 in/and
CWP-14278-2022 (O&M)
Date of Decision: 10.09.2024

M/S. R. SALES CORPORATION, LUDHIANAPetitioner
V/s.
STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rishab Singla, Advocate and
Mr. Sameesh Bassi, Advocate for
Mr. Sandeep Goyal, Advocate
for the applicant-petitioner.

Mr. Saurabh Kapoor, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

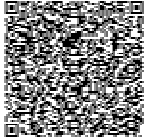
CM-14710-CWP-2024

1. This application is filed by the petitioner for pre-poning the date of hearing in the main Writ Petition, however, the main case is listed for hearing today itself. Accordingly, the instant application is dismissed as having been rendered infructuous.

CWP-14278-2022 (O&M)

2. Learned counsel for the petitioner submits that the petitioner has filed an appeal against the order of cancellation of its registration and also rejection of revocation application seeking revoking of cancellation of the registration.

3. While challenging the order of rejection dated 20.10.2020, it was erroneously mentioned as order dated 14.09.2020, whereas, order dated 14.09.2020 was the original order whereby the registration of the petitioner was cancelled.

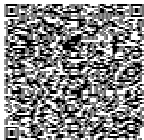


4. The appellate authority has rejected the Appeal against the order of rejection of revocation of the cancellation of registration stating that it was a wrong order which is under challenge. The petitioner submits that the petitioner preferred a rectification application seeking correction but the same was also rejected by the first appellate authority vide order dated 17.01.2022.

5. Learned State counsel submits that the power of rectification is not available with the first appellate authority and therefore, the order has rightly been passed. It was further submitted that the petitioner was required to be careful while filing an Appeal.

6. We have considered the submissions and found that the petitioner had submitted an Appeal “online” wherein the orders were rightly mentioned as 14.09.2020 and 20.10.2020, but it appears that in the “hard copy” filed, the order dated 20.10.2020 was mistakenly referred to as 14.09.2020 order and the respondents ought to have noticed the said aspect and proceeded to decide the case on merits instead of the going on the technicalities. The attitude adopted by the respondents shows their lack of will to perform their duties and to pass-on the responsibility which we do not appreciate.

7. Be that as it may, it is now directed to the first appellate authority to treat the Appeal to have been filed as against order dated 14.09.2020 and 20.10.2020 and decide the same on merits by passing a speaking order within a period of 45 days. It is expected by the appellate authority to take into consideration the law and the factual aspects while passing the order and if the relief has to be granted, the same be granted to the petitioner. The petitioner would be free to submit its legal submissions



along with judgments which it wants to cite before the said appellate authority.

8. The Writ Petition stands partly allowed with the aforesaid observations.

9. All pending applications filed in this case shall stand disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

September 10, 2024
Ess Kay

[SANJAY VASHISTH]
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No