

2024:PHHC:105752



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-3114-2021

Date of Decision: 14.08.2024

SATTO

... Petitioner

VERSUS

THE APPELLATE TRIBUNAL, NEW DELHI AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. S.S. Rana, Advocate,
Mr. Arvind K. Sharma, Advocate and
Mr. Dipanshu Kapur, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab
for respondent No.3.

Respondents No.1 and 2 already *ex parte*.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking quashing of impugned order dated 11.03.2019 passed by respondent No.2- The Competent Authority and Administrator, SAFEM (FOP) Act, 1976 and N.D.P.S. Act, 1985. Vide the said order, the freezing of order passed by respondent No.3 was confirmed.

Learned counsel for the petitioner contends that husband of the petitioner namely Mohan Lal had expired and the petitioner was not aware of the technicalities involved and about the order directing freezing of the account and as a result thereof, she could not prefer the appeal in time. He contends that the said appeal has been dismissed only on the grounds of delay, without considering the merits thereof.

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Despite service, respondents No.1 and 2 have chosen not to appear before this Court.

Under the given circumstances as pointed out by the petitioner about the demise of her husband and her not being aware of the legal implications and the proceedings that had been undertaken, I find that interest of justice would be better served in case the grievance espoused by the petitioner is decided on merits.

Hence, while keeping all the issues open, the present petition is allowed and the impugned order dated 11.03.2019 is set aside. The matter is remanded to the said Appellate Authority for passing a fresh order in accordance with law. The parties may, if so advised, appear before the Appellate Authority on 16.09.2024, wherefrom further proceedings shall be conducted in accordance with law.

AUGUST 14, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No