



**107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-22604-2024

Date of decision : 13.12.2024

M/s Mehr Filling Station

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Gupta, Advocate
for the petitioner.

Mr. Manmeet Singh Teji, AAG, Punjab.

Mr. Raman Sharma, Advocate
for respondent No.3-BPCL.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner-company herein was running/operating the fuel station. It prays for issuance of a writ in the nature of certiorari to quash show cause notice dated 23.10.2023 (Annexure P-8) and the impugned order dated 08.02.2024 (Annexure P-10) of confiscation passed by the District Collector, under Section 6(A) of the Essential Commodities Act, 1955.

2. Learned counsel representing respondent No.3 submits that the petitioner has a statutory alternative remedy of filing appeal under Section 6(C) of the Essential Commodities Act, 1955, which reads as under:-

"(1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to any judicial authority appointed by the State Government concerned and the



judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against."

3. Learned counsel representing the petitioner does not dispute the above fact. However, he submits that availability of alternative remedy does not debar a Constitutional Court from entertaining the writ petition.

4. The maintainability and the entertainability of the petition are two separate aspects. The writ petition may be maintainable, however, being a Constitutional Court, there are certain self-imposed limits within which the Courts are expected to exercise. Once an effective alternative remedy of appeal, which has a larger scope than judicial review is available, this Court does not find it appropriate to keep the writ petition pending.

5 Hence, the appeal is disposed of with the observations that if the appeal is filed within a period of 15 days from today, the same shall be decided expeditiously not later than 6 months from filing on merits without ignoring the objection with regard to limitation.

13.12.2024
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(ANIL KSHETARPAL)
JUDGE

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