



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24126 of 2024

Date of decision: 20.09.2024

Shamsher Singh

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. N.P.S. Mann, Advocate and
Mr. Mohit Kumar, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Shamsher Singh) has prayed for the following substantive relief:

“Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 22/7/2024 (Annexure P-8) passed by the respondent No.4/Estate Officer, Punjab Mandi Board, SAS Nagar, by which the Respondent No.4, while calculating the interest and penalty against the Petitioner, failed to consider that the Petitioner has already deposited the second and third instalment, much earlier to their due dates and the interest cannot be charged from the Petitioner for the period for which instalment amount remained deposited with the Punjab Mandi Board, because the 2nd Instalment was deposited by the Petitioner about 6 months in advance and 3rd instalment was deposited by the Petitioner about one year in advance and the Respondent No.4 wrongly and falsely is charging the interest from the Petitioner for the said period and moreover, the penalty @ 10% amounting to



Rs.11,82,775/- is also wrongly and falsely being charged by the Respondent No.4 from the Petitioner for the said period;

AND/OR

Also for issuance of a writ in the nature of mandamus directing the Respondent No.3 and 4, to receive and accept the last remaining 6th instalment of Rs.54,51,050/- due for 8/10/2024 and then to execute the conveyance deed in favour of the Petitioner, as ever single penny due against the Petitioner towards the Punjab Mandi Board for the sale of the above said SCO NO.16, Fruit/ Vegetable Market, Sector 65-A, Mohali, has been paid by the Petitioner and nothing will be due against him after the payment of the 6th instalment on 8/10/2024 and further for issuance of directions to Respondent No.3 and 4, to not to claim the interest as well as penalty from the Petitioner with regard to the second and third instalment for allotment of SCO NO.16, at Mohali Vegetable Market, Sector 65-A, S.A.S. Nagar, Mohali, as the said second and third instalments were paid by the Petitioner in advance and now the Respondent NO.3 and 4 are wrongly and illegally claiming Rs.29,97,070/- as interest and penalty on the said 2nd and 3rd instalments for the period during which these amounts of instalments were lying with Punjab Mandi Board and are directing the petitioner to deposit the said interest and penalty along with the last/6th instalment of Rs.54,51,050/- which is due for 8/10/2024.”

Learned counsel for the petitioner submits that the petitioner, per the payment schedule set out in the letter of allotment, had deposited the first instalment with interest in time. Whereas, the principal amount of the second and third instalment was deposited on April 05, 2022 and April 06, 2022 respectively, much before the due date i.e. October 08, 2022 and October 08, 2023. Further, fourth instalment (principal and interest) was deposited on October 05, 2023, and the fifth instalment (principal and



interest) was deposited on April 08, 2024, again before the due date (April 08, 2024). Therefore, he submits that the petitioner, as of today, is only required to deposit the sixth instalment of Rs.55,51,050/-, which falls due on October 08, 2024. However, he submits that the authorities, vide impugned letter dated July 22, 2024 (P-8), requires the petitioner to deposit interest @ 12% per annum of Rs.56,16,895/- as also the penalty amount @ 10% of Rs.11,82,775/- up to 31.07.2024. Accordingly, he submits that the petitioner, having deposited the second and third instalment much before the due date, is not liable to pay interest on the principal amount of instalment.

Served with the advance copy of the petition, Mr. Shekhar Verma, learned Additional Advocate General, Punjab, for respondents is present in Court. At the outset, he submits that given the dispute that is sought to be raised by the petitioner, it would rather be expedient to dispose of the petition, at this stage, to enable the respondents to examine the concerns/grievances of the petitioner, in the first instance, and pass appropriate orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall be heard. And, a formal communication shall also be issued, well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.

To this, learned State counsel submits that the necessary orders in this regard shall be passed within two weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders within the time indicated by learned State counsel, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as

indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

20.09.2024
deepak

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No