



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34261-2024 (O&M)
Date of Decision: 18.12.2024

M/S. MERIT PACKAGING CORPORATIONPetitioner

V/s.
STATE OF HARYANA AND OTHERSRespondents

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

Present: Mr. Rishab Singla, Advocate for the petitioner.

 Ms. Mamta Singla Talwar, DAG, Haryana.

 Mr. Ajay Kalra, Senior Standing Counsel, CBIC
 with Ms. Isha Janjua, Advocate for respondent No.2.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Notice of motion.
2. Ms. Mamta Singla Talwar, DAG, Haryana accepts notice on behalf of respondents and Mr. Ajay Kalra, Senior Standing Counsel accepts notice on behalf of respondent No.2.
3. All the learned counsel are *ad idem* that the issue involved in this Writ Petition is no more *res integra* in view of the judgement passed by the Division Bench of this Court in L.G. Electronics India Pvt. Ltd. Vs. Union of India and Others ; CWP-12128-2020 decided on 26.08.2020, where a similar controversy arose relating to the dismissal of the Appeal on the ground that certified copy of the order was not appended. In the said case, this Court taking into consideration the aforesaid aspect and the concession made by the learned counsel for the respondents, had remanded back the case to the appellate authority with directions to decide the appeal on merits.



4. We too follow the same course and set aside the order of rejection of the Appeal solely on the ground of not supplying the certified copy of order dated 11.11.2024 and direct the appellate authority to decide the appeal of the petitioner herein on merits.
5. It is to be noticed that the departmental appeal can always be decided based on documents placed on record as the original record can always be perused and called for by the appellate authority. On such grounds therefore, the appeals ought not be dismissed in future.
6. The appeal be decided by the appellate authority within a period of three months. It is also directed that the appeal shall be decided on merits without going into the question of delay or any other technical reasons.
7. The Writ Petition is allowed in the aforesaid terms.
8. Pending applications, if any, shall stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

December 18, 2024
Ess Kay

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No