



300+301 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 21-01-2025

1.

CWP-20651-2024 (O&M)

M/S JALAL BUS SERVICE REGD. BATHINDA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)
2.

CWP-27645-2024 (O&M)

M/S JUJHAR CONSTRUCTIONS AND TRAVELS PVT. LTD.

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)
3.

CWP-31062-2024 (O&M)

M/S FRONTIER TRANSPORT COMPANY REGD. AND ORS.

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)
4.

CWP-32022-2024 (O&M)

M/S VISHAL BUS SERVICE REGD. AMRITSAR AND ORS.

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)
5.

CWP-34131-2024 (O&M)

M/S RAVIDASS TRANSPORT COMPANY

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

6.

CWP-33460-2024 (O&M)

M/S BABA DITTUJI HIGHWAYS BUS SERVICE REGD. PATIALA

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.S Jalal, Advocate
for the petitioner in CWP No.20651 of 2024.

Mr. Puneet Bali, Sr. Advocate with
Mr. Abhishek Sharma, Advocate and
Mr. Sachin Jain, Advocate for the petitioner and
Mr. Anmol Chandan, Advocate for the petitioner in
CWP No.27645 of 2024.

Mr. Raj Kaushik, Advocate with
Mr. Harsh Vardhan, Advocate
For the petitioner in CWP No.33460 of 2024.

Mr. Arihant Goyal, Advocate
For the petitioner in CWP No.34131 of 2024 and for
For respondent No.7 in CWP No.20651 of 2024.

Mr. Rohit Kapoor, Advocate
Respondent Nos.7 to 9 in CWP No.27645 of 2024 and
Respondent No.8 in CWP No.31062 of 2024.

Mr. Amit Jhanji Sr. Advocate with
Mr. Hakikat Grewal, Advocate and
Mr. Sahil Sehrawat, Advocate
For the petitioner in CWP No.32022 of 2024 and
For the petitioner in CWP No.31062 of 2024.
Respondent No.9 in CWP No.21277 of 2024 and for
Respondent No.6and 7 in CWP No.20651 of 2024.

Mr. A.D.S Jattana. Advocate
For the respondent.

Mr. Anurag Chopra, Addl. A.G., Punjab.
Mr. T.P.S Chawla, Sr. DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present bunch of petitions involve the common question of law in the context of common set of facts and thus they are being decided by a common order.
2. In the present bunch of petitions, the challenge is to the show cause notice dated 05.08.2024 (Annexure P-5) which has been issued to the petitioner(s) as to why the permit which have been amalgamated be not separated.
3. Learned Senior counsel appearing on behalf of the petitioner(s) submits that though they have no issue in raising the defence to the said show cause notice before the authorities concerned but the only prayer is that all the objections taken to the said notice be taken into consideration while passing an appropriate speaking order.
4. Learned Senior counsel appearing on behalf of the petitioner(s) submits that till any order is passed on the show cause notice by the respondents, the status quo as it exists today, qua the permits concerned be allowed to be continued and in case, the orders passed in pursuance to the show cause notice is to be prejudiced to the interest of the petitioner(s), and the petitioners avail the remedy of appeal, the present status be allowed to continue till the adjudication of the appeal.
5. Learned Senior counsel for the petitioners further submits that in case, a personal hearing is given to them before deciding the issue, the same will be in the interest of justice as everything can be explained to the officer concerned who is to decide the issue and before passing the order, the

opportunity of personal hearing will be given to the petitioner(s) as well as to any other operator, who is likely to be affected by the outcome of the said issue.

6. Learned State counsel submits that he has instructions to say that all the objections raised by the petitioner(s) in the show cause notice will be taken into consideration while deciding the issue raised in the show cause notice and in case it is found permissible to accept their plea, the same will be accepted otherwise due reasons will be mentioned for not accepting their pleas raised in their defence to the show cause notice (Annexure P-5)

7. Learned State counsel further submits that as the amalgamation of the permits is continuing so as to avoid any further legal obligation, the said status qua the permits will be allowed to be continued till appropriate orders are passed on the show cause notice and in case, orders causing prejudice to the interest of the petitioner(s) and they prefer an appeal, the orders passed on the show cause notice will not be given effect to till the adjudication of appeal, if any preferred by the petitioner(s) is discharged.

8. Learned counsel appearing on behalf of the petitioner(s) submits that keeping in view the statement of the learned State counsel, they will not like to press the present bunch of petition(s) as of now and file the fresh reply to the show cause notice (Annexure P-5) and the same will be filed before 10.02.2025 under all circumstances.

9. Keeping in view the fact that there is a serious objection with regard to the present system being operated by the State for amalgamation of the two permits by the other operators also, it is directed that the issue will be decided by the State within a period of 8 weeks from the receipt of the reply to the notice by the petitioner(s).

10. Further, in case, the order passed on the show cause notices is to the prejudice to intent of the petitioner(s) and if any of the petitioner(s) files an appeal, the appellate authority is also directed to finalise the said issue within a period of 3 months from the date, the appeal is preferred by observing all the rules required for observing the rules of natural justice.

11. It is noticed that the respondents will pass an appropriate order on the show cause notice after duly considering the reply dated 18.01.2025 filed by the petitioner(s) raising objection to the proposal raised in the show cause notices and if permissible, by giving them personal hearing and as undertaken by the respondents themselves, the status quo qua the permits which exists as on today will be allowed to continue till the decision of the show causes notices and in case, any petitioner(s) prefers an appeal against the decision taken in pursuance to the show cause notices.

12. The order passed on the show cause notices will not be given effect to till the passing of the orders in appeal preferred by the petitioner(s). However, the State as well as the appellate authority will be bound to decide the issue as directed hereinbefore.

13. Present bunch of petition(s) stands disposed of in above terms.

14. Pending application, if any, also stands disposed of.

15. Photocopy of this order be placed on the files of other connected cases.

21-01-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO