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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 494/2026 & CM APPL. 2394/2026

RAJ KUMAR

.....Petitioner

Through: Appearance not given.

versus

DELHI AGRICULTURAL MARKETING BOARD AND ORS.

.....Respondents

Through: Mrs Avnish Ahlawat SC GNCTD
Services, (APMC)Mr Nitesh Kumar
Singh, Ms Aliza Alam, Mr Mohnish
Sehrawat, Advs.

104

+ W.P.(C) 1542/2026 & CM APPL. 7519/2026

RATTAN GIDWANI

.....Petitioner

Through: Appearance not given.

versus

DELHI AGRICULTURAL MARKETING BOARD AND ORS

.....Respondents

Through: Mrs Avnish Ahlawat, SC GNCTD
Services (APMC),Mr Nitesh Kumar
Singh, Ms Aliza Alam, Mr Mohnish
Sehrawat, Advs.

90

+ W.P.(C) 2217/2026, CM APPL. 10744/2026 & CM APPL.
10746/2026

M/S BHOJ RAJ AND SONS

.....Petitioners



Through: Appearance not given.

versus

DELHI AGRICULTURAL MARKETING BOARD & ORS.

.....Respondents

Through: Mrs Avnish Ahlawat, SC GNCTD Services (APMC), Mr Nitesh Kumar Singh, Ms Aliza Alam, Mr Mohnish Sehrawat, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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18.03.2026

1. In one of the writ petitions i.e. W.P.(C) 1542/2026, where a similar controversy has arisen, the Court, while issuing notice on 04.02.2026 has *prima facie* opined that the respondents' approach is hyper technical and the procedural technicalities should not create a barrier in seeking substantial justice.

2. Relevant portion of the order dated 04.02.2026, is extracted as under:

"3. Issue notice.

4. Mr. Nitesh Kumar Singh, learned counsel for respondent nos. 1 and 2, appears and accepts notice. Let him take instructions and to file reply, if any, before the next date of hearing.

5. The original order was passed by the Agriculture Produce Marketing Committee on 12.09.2024. 6. Against the aforesaid order, an appeal was preferred under Rule 29 of the Delhi Agricultural Produce Marketing (Regulation) General Rules, 2000. As per the rule 29(6) therein, the Court fee stamp of Rs. 5 (five) was to be paid. The petitioner failed to affix the said Court fees. Additionally, the appeal was presented with the delay of 72 days. For both the reasons, the Appellate Authority vide order dated 18.08.2025 dismissed the appeal.

7. The procedural technicalities should not create a barrier in seeking substantial justice. The petitioner could have been afforded an opportunity to make the payment of the Court fees and even to explain



the delay. There does not seem to be any legal provision which would bar the Appellate Authority to condone the delay. This is the tentative opinion of the Court and the Court was of the view that the aforesaid order be set aside while sending the matter back to the Appellate Authority for fresh consideration, however, respondent no.3 is not represented.

8. Accordingly, on taking steps, let notice be issued to respondent no.3, through all permissible modes, returnable on 16.03.2026.”

3. On notice being issued, the respondents are duly represented by their counsel.
4. Mrs. Avnish Ahlawat, learned counsel, who appears for official respondents, fairly submits that the authorities are ready and willing to reconsider the appeal of the petitioners after extending due opportunity of hearing to all the parties. The Court appreciates the stand taken by the official respondents.
5. In view thereof, the impugned order passed by the appellate authority is set aside. The appeals of the petitioners stand restored to their original numbers before the Appellate Authority.
6. Let the parties to appear on the date to be notified by the concerned Appellate Authority.
7. Let the parties to make their submissions and depending upon the same, let the appeals be decided on their own merits.
8. Learned counsel, who appears in one of the matters, points out that in the interregnum, the respondent had taken a decision to suspend the petitioner's license. He submits that the sole reason to take the said decision is the dismissal of the petitioner's appeal. If that be so, this aspect can also be pointed out to the Appellate Authority or to the concerned Authority, who has to take the final decision.
9. Leaving all contentions open, the petitions stand disposed of.



10. If the petitioners request for staying of the arbitral award, the same shall be considered by the Appellate Authority. Let the appeals be decided with due expedition.

PURUSHAINDRA KUMAR KAURAV, J
MARCH 18, 2026/P