
(2011) 08 P&H CK 0149

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14386 of 2011 (O&M)

Azad Pipes Pvt.Ltd.

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 12-08-2011

Acts Referred:

Citation : (2011) 08 P&H CK 0149

Hon'ble Judges : Adarsh Kumar Goel, ACJ and Rajesh Bindal, J

Advocate : Mr.Sandeep Goyal, Advocate, For the Respondent:- Mr.Amol Rattan Singh, Addl.Advocate General, Punjab., Advocates for appearing Parties

Judgement

Rajesh Bindal, J.—The only grouse raised by Learned counsel for the petitioner is that though it is provided for under the provisions of Punjab VAT Act 2005 that the goods, if detained, are to be released on furnishing of surety but the same have not been released.

Learned counsel for the State fairly submitted that the goods of the petitioner shall be released on furnishing surety.

2. At this stage, learned counsel for the petitioner wink referring to earlier orders passed by this court in Varinder Kumar & Co., Khanna and another v. State of Punjab and others, (2000)16 PHT 486 (P&H); M/s. Rachna Steel Corporation, Mandi Gobindgarh v. State of Punjab and another, (2000)15 PHT 460 (P&H) and Osaw Agro Industries Pvt. Ltd, v. State of Punjab and others, (2007)30 PHT 344 (P&H), submitted that similar orders are being passed by the same officer causing unnecessary harassment to the dealers and resulting in creation of avoidable litigation. Earlier also, in Osaw Agro Industries Pvt. Ltd."s case (supra), the same officer had been burdened with costs of Rs. 10,000/ to be recovered from him personally. Considering the fact that he has still not corrected his way of working, costs be imposed upon him.

3. The stand of learned counsel for the State was that the officer was working in the best interest of the State and is one of the honest officers.

4. After considering the contentions raised by learned counsel for the parties, in our opinion, considering the conduct of the officer, who dealt with the case of the petitioner in the manner which was infeasible and the State had to ultimately concede the relief prayed for, the officer deserves to be burdened with costs of Rs. 25,000/. The amount shall initially be paid by the State, however, the same shall be recovered from the officer.

The writ petition stands disposed of.