

(2006) 08 P&H CK 0520
In the Punjab And Haryana At Chandigarh

India Agro Services

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 25-08-2006

Acts Referred:

Citation : (2006) 08 P&H CK 0520

Hon'ble Judges : Viney Mittal, J;H.S. Bhalla, J

Bench : Division Bench

Judgement

Viney Mittal, J.—The fertilizer licence of the petitioner was ordered to be cancelled by the Chief Agriculture Officer, Faridkot vide order dated April 11, 2005 (Annexure P-6). The aforesaid cancellation order was passed primarily on two grounds. It was noticed that the licence had been granted to the petitioner for selling fertilizers in Shop No. 91 but the petitioner had started selling the said fertilizers from shop No. 73 which was contrary to the terms and conditions of the licence. It was also observed that the petitioner was selling the fertilizers at higher rates. An appeal filed by the petitioner has also been dismissed by the appellate authority vide order dated May 16, 2005 (Annexure P-7). It is in these circumstances that the petitioner is before this Court.

2. Sh. Harsh Aggarwal, learned Counsel for the petitioner has contended that the petitioner had temporarily shifted his business to shop No. 73 on account of the fact that some repairs/renovations were going on in shop No. 91. Sh. Aggarwal has also referred to an enquiry report dated October 5, 2005 (Annexure P-14) submitted by the Additional Deputy commissioner, Faridkot, whereby the allegation of the selling of the fertilizers at the higher rates has been held to be not proved. Consequently, it has been argued that the cancellation of the fertilizers licence of the petitioner was totally unjustified.

3. After hearing learned Counsel for the parties and taking into consideration the pleas raised by the petitioner, we are satisfied that the matter should be re-examined by the Chief Agriculture Officer, Faridkot. The petitioner would be at liberty to prove the fact that he had merely shifted his business to shop No. 73

on account of renovations/repairs being carried out in shop No. 91. The petitioner would also be at liberty to produce before the aforesaid officer, the report submitted by the Additional Deputy Commissioner, Faridkot that he at no point of time charged any higher rates for the fertilizers.

4. Consequently, we dispose of the present petition and quash the orders Annexure P-6 and Annexure P-7. The matter is remitted back to the Chief Agricultural Officer, Faridkot for passing fresh appropriate orders in accordance with law. The petitioner shall appear before the Chief Agriculture Officer, Faridkot-respondent No. 3 on September 26, 2006 at 10:00 A.M.

5. Copy of the order be given dasti on payment of the usual charges.