

(2013) 10 P&H CK 0065
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 22329 of 2013

M/s. Arshdeep Trading Company

APPELLANT

Vs

The Financial Commissioner, Principal Secretary to
Government of Haryana and Others

RESPONDENT

Date of Decision : 08-10-2013

Acts Referred:

Citation : (2013) 10 P&H CK 0065

Hon'ble Judges : Satish Kumar Mittal, J;Mahavir S. Chauhan, J

Bench : Division Bench

Advocate : Sudhir Mittal, for the Appellant;

Final Decision : Dismissed

Judgement

Satish Kumar Mittal, J.—The petitioner firm has filed the instant petition challenging the list (Annexure P-5) issued by the Market Committee, Karnal (respondent No. 3) declaring the petitioner firm ineligible to be included in the draw of lots for the allotment of shop plot in New Vegetable Market, Karnal at reserve price, under the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000 (hereinafter referred to as 'the Rules of 2000'); decision of respondent No. 3 (Annexure P-8) rejecting the claim of the petitioner firm; as well as the orders dated 22.3.2010 and 3.3.2011 (Annexures P-12 and P-13) passed by the Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula (respondent No. 2) and the Financial Commissioner and Principal Secretary to Government of Haryana (respondent No. 1), respectively, whereby appeal and the revision petition filed by the petitioner firm against the aforesaid order of respondent No. 3 have been dismissed. We have heard learned counsel for the petitioner firm and have gone through the impugned orders.

2. The claim of the petitioner firm has been rejected on two grounds; firstly that it does not possess a license of category-II under the Punjab Agricultural Produce Markets (General) Rules, 1962; and secondly that it was not operating its

business from the shop situated in the old market yard, which is being proposed to be de-notified.

3. During the course of hearing, it has not been disputed that the petitioner firm is holding the license of category-I, which is meant for pacca arhitya. In view of this admitted position, which is also a finding of fact recorded by the authorities below, the petitioner firm is not entitled for allotment of a shop plot at reserve price under the Rules of 2000, as only the firms holding the licenses of category-II have been given the right for allotment at reserve price. Therefore, in view of this admitted position, the petitioner firm has no claim for the said allotment. With regard to the fact that the petitioner firm was operating its business from shop No. 26-B of old Mandi and not from shop No. 80, Sector 13, Karnal, which is situated outside the market yard, a finding of fact has been recorded by the authorities below that when the license was issued to the petitioner firm, its address was given as "shop No. 80, Sector 13, Karnal" and no evidence was produced before the authorities to show that shop No. 26-B of old Mandi was ever taken on rent by the petitioner firm. In view of this fact also, the petitioner firm is not entitled for allotment of a shop plot at reserve price under the Rules of 2000.

4. No merit. Dismissed.