
(1985) 09 P&H CK 0033
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4124 of 1985

Rubicon Steels

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 24-09-1985

Acts Referred:

Punjab Municipal Act, 1911 — Section 241(1)

Citation : (1985) 09 P&H CK 0033

Hon'ble Judges : S.S. Kang, J;R.N. Mittal, J

Bench : Division Bench

Advocate : M.L. Sarin, for the Appellant; P.S. Kang, for respondent Nos. 1-3 and Mr. H.L. Sibal with Mr. R.C. Setia, for the Respondent

Final Decision : Allowed

Judgement

S.S. Kang and R.N. Mittal, JJ.—This writ petition is covered by a recent judgment of the Division Bench of this Court delivered in C.W.P. No. 551 of 1985--M/s. Molins of India Ltd. and others v. The State of Punjab and others, decided on July 12, 1985, as explained by their Lordships of the Supreme Court of India in SLP No. 4700 of 1985, decided on August 14, 1985.

2. In fairness it may be mentioned that Sh. H.L. Sibal, Senior Advocate, for respondent No. 4, contended that. Notified Area Committee, S.A.S. Nagar (Mohali) was constituted u/s 241 (1) of the Punjab Municipal Act (.hereinafter to be called "the Act"). It was not a "municipal committee", it had no power to levy taxes. The Octroi duty had been levied by the State Government u/s 242 of the Act. The concessions referred by the petitioners and contained in the policy statements dated May 14, 1969, its review dated May 7. 1973 and the booklet titled "IN THE ERA OF INDUSTRIALISATION--PUNJAB WELCOMES INDUSTRIALISTS FACILITIES AND CONCESSIONS" are not applicable to the Notified Area Committee Only the units situated within the municipal limits are entitled to exemptions. This argument has not commended itself to us. In the various policy statements mentioned above the expression "Municipal

Committee" has been used in a wide and comprehensive sense so as to encompass the industrial units set up within the areas falling within the jurisdiction of the "Notified Area Committee" also. We see no reason for the State not to encourage the entrepreneurs to set up industries or expand the existing ones by grant of concessions and incentives within the territorial limits of "Notified Area Committee". This view finds support from the impugned order of the Government dated May 22, 1984 (Annexure P-2) whereby the octroi duty has been imposed. The last two lines of the order read :--

The exemptions granted by the Government from time to time would remain in force.

If, as contended by Sh. Sibal, no exemptions had been granted by the State Government to units situated within the territorial limits of the various Notified Area Committees of the State, then there was no need to make a specific mention in the impugned order imposing Octroi Duty within the limits of Notified Area Committee, S.A.S. Nagar that the exemptions granted by the Government from time to time will remain in force.

3. For the reasons given above, we allow the writ petition in terms of the judgment in Molins" case (supra) as explained by their Lordships of the Supreme Court. No costs.