

Punjab-Haryana High Court

Avtar Singh vs The Punjab State Warehousing ... on 28 January, 2009

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No. 1284 of 2009

Date of Decision: 28.1.2009.

Avtar Singh

---Petitioner

Vs.

The Punjab State Warehousing Corp. and another

---Respondents

CORAM:- HON'BLE MR.JUSTICE PERMOD KOHLI.

Present:- Mr. Jagdeep Bains, Advocate for the petitioner.

\*\*\*

PERMOD KOHLI.J (ORAL) Notice of motion.

Mr. A.D.S. Sukhija, Advocate, who is present in the Court, has accepted notice on behalf of the respondents.

The main grievance of the petitioner is that two appeals are pending before the Appellate Authority since 2006 and 2007 respectively and the same have not been decided, nor the application for grant of stay has been considered till date. The petitioner has been fastened with the liability vide order dated 22.8.2006 (Annexure P-4) and 18.6.2007 (Annexure P-6). These orders have been made the subject matter of the aforesaid two appeals. The petitioner claims to have made an application for interim stay also but the Appellate Authority neither passed any order on the interim application nor in the main appeal.

The petitioner has approached this Court seeking to challenge the recovery proceedings and for issue of a writ in the nature of Mandamus for a direction to the authority to consider the interim stay and decide the appeal.

In the above circumstances, this petition is disposed of with a direction to the Appellate Authority to dispose of the appeals filed by the petitioner as expeditiously as possible and in any case not later than six months. The Appellate Authority shall consider the application for stay. Till the time application for stay is considered, no recovery shall be effected from the petitioner.

Petition disposed of as such.

(PERMOD KOHLI) JUDGE 28.1.2009 lucky