

CWP No.1008/2004.

30.04.2007 Present: Mr. Anand Sharma, Advocate for the petitioners.

Mr. M.S. Chandel, Advocate General with Mr. M.A. Khan and Ms. Meenakshi, Dy. As. G. for respondent No.1.

Mr. Anoop Rattan, Advocate for respondent No.2.

Mr. Navlesh Verma, Advocate for respondent No.3.

With the consent of parties order dated 31st July, 2004 is quashed and set aside. The respondent No.2 is directed to hear the entire matter after taking into consideration the entire material placed on record by the petitioners as well as respondent No.3 within a period of three months. The respondent No.2 shall decide the appeal wholly uninfluenced by the earlier order dated 17th May, 2000 as well as order 31st July, 2004. It is also agreed between the petitioners and respondent No.3 that the bank guarantee furnished by the petitioners in the sum of Rs. 83,17,360/- will not be encashed by either of the parties, i.e. the petitioners or respondent No.3 till the disposal of the appeal. The bank guarantee furnished in this Court amounting to Rs.83,17,360/- will abide by the decision of the Chairman, i.e. respondent No.2. The Chairman is directed to proceed in the matter in accordance with law since he is already seized of the matter. The furnishing of bank guarantee before this Court will amount to sufficient compliance of Rule 82(13) of the H.P. Agricultural Produce Markets Rules, 1971.

To avoid delay, the parties are directed to appear before respondent No.2 on 21st May, 2007. Accordingly, the writ petition is disposed of with no order as to costs.

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(Rajiv Sharma)
Judge

April 30, 2007.
(sck).