

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.3102 of 2009

Date of decision: February 27, 2009.

Hardeep Kaur

...**Petitioner(s)**

v.

State of Punjab & Ors.

...**Respondent(s)**

CORAM:**HON'BLE MR. JUSTICE SURYA KANT**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: None for the petitioner.

ORDER

Surya Kant, J. - (Oral):

The petitioner seeks a direction to the respondents for the release of a sum of Rs.9 lacs stated to have been deposited by her towards the security and advance for auction of cattle fair held at Ludhiana on 30.3.2006.

According to the petitioner, she, along with her husband, oftenly enter into contracts to hold the cattle fairs in the State of Punjab. These contracts are allotted by way of auction. On 30.3.2006, the respondents conducted auction of the cattle fair at Ludhiana in which the petitioner was the highest bidder. She accordingly deposited Rs.1 lac as security and another sum of Rs.1 lacs towards auction amount at the spot. Another sum of Rs.7 lacs was also deposited by her as advance towards the

auction money as per the terms and conditions of the auction. In this manner, the petitioner is stated to have deposited a sum of Rs.9 lacs which is stated to have been duly acknowledged by the respondents also. The petitioner has further averred that a rival contractor got arrested her husband in a false criminal case, due to which the petitioner could not arrange funds to deposit the balance auction amount and, thus, the contract could not be executed. She thereafter moved application on 31.7.2006 (Annexure P-3), as well as a reminder thereto, requesting the respondents to refund the amount deposited by her. Since no heed was paid to the petitioner's request, she has served the respondents with a justice demand notice dated 25.11.2008 (Annexure P-5). The respondents, however, have not released the withheld amount even though as per the departmental instructions, the entire amount cannot be withheld/forfeited.

Having gone through the contents of the writ petition and the documents appended thereto and keeping in view the fact that the respondents are apparently sitting tight over the matter and have so far not taken decision on the justice demand notice, I deem it appropriate to dispose of this writ petition with a direction to respondents No.2 and 3 to take cognizance of the justice demand notice/legal notice and dispose of the petitioner's claim by passing a reasoned order within a period of three months from the date of receipt of a certified copy of this order.

February 27, 2009.
kadyan

[Surya Kant]
Judge