IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12559-2019

Date of Decision: 13.5.2019

DSG Papers Private Limited

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

PRESENT: Mr. Deepak Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of certiorari for quashing detention order dated 1.5.2019 (Annexure P-3) and show cause notice dated 1.5.2019 (Annexure P-4). Further, a writ of mandamus has been sought directing respondent No.2 to allow the petitioner to generate new e-way bill and/or to amend the e-way bill and to release truck No. PB-11BA-7365 along with goods on security other than cash or bank guarantee.

2. The petitioner is engaged in the manufacture of paper and purchased old and used paper mill machinery from M/s Papteq, Bagpat, Ghaziabad, Uttar Pradesh (in short "the Seller") vide invoice dated 27.4.2019 (Annexure P-1). The Seller despatched machine in truck No. PB-11BA-7365. Before movement of the truck, the Seller generated e-way bill dated 27.4.2019 (Annexure P-2) having validity upto 30.4.2019. The truck started for delivery from Uttar Pradesh along with invoice, GR and e-

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way. On 1.5.2019, the truck was intercepted by respondent No.2 at Raipur Roran, GT Road, Old Toll Plaza, Karnal. On inspection, it was found that the e-way bill had already expired and, therefore, the statement of the driver was recorded. After recording the statement and physical verification, respondent No.2 detained the goods along with the truck in Form GST MOV 06 (Annexure P-3). Thereafter, a show cause notice dated 2.5.2019 (Annexure P-4) was issued to the petitioner. The petitioner filed reply dated 3.5.2019 (Annexure P-5) to the said show cause notice, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has submitted reply dated 3.5.2019 (Annexure P-5) to the show cause notice dated 2.5.2019 (Annexure P-4), but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the reply dated 3.5.2019 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one week from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 13, 2019 **(MANJARI NEHRU KAUL)**
gbs **JUDGE**

Whether Speaking/Reasoned **Yes/No**
Whether Reportable **Yes/No**

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