

CWP-26299-2024

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CWP-26299-2024**

**Reserved on: 29.01.2025**

**Date of Decision : 25.02.2025**

M/s Jodha Ram Daulat Ram and another

...Petitioners

V/S

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MR. JUSTICE VIKAS SURI**

Present : Mr. Sarvjit Singh Khurana, Advocate  
for the petitioners.

Mr. Ankur Mittal, Addl. AG Haryana with  
Mr. P.P. Chahar, Sr. DAG, Haryana, and  
Mr. Saurabh Mago, DAG, Haryana.

Mr. Pravindra Singh Chauhan, A.G. Haryana  
Mr. Ankur Mittal, Advocate  
for the respondent(s)-HSAMB.

\*\*\*

**SURESHWAR THAKUR, J.**

1. Through the instant writ petition, the petitioners have prayed for issuance of a writ in the nature of directions to the respondents concerned, to issue fresh Letter of Intent to the petitioners for shop plot allotted to them (i.e. Shop Plot No.2 and Shop Plot No.33) in New Vegetable Market, Bithwana, Rewari Market Committee, Rewari on reserve price, calculated under Haryana State Agricultural Marketing Board (Sale of Immovable Property), Rules 2000 (hereinafter referred to as 'the Rules of 2000') i.e. Rs.63,72,000/- as has been charged from the similarly situated allottees,

instead of Rs.1,01,95,200/- as has been mentioned in the impugned letter of intent(s) dated 17.09.2024, as becomes issued to the petitioners.

2. The brief facts of the case are that respondent No.3 (Market Committee, Rewari) invited applications, for allotment of plots, thus on a preferential basis, on the apposite reserve price in New Vegetable Market, Rewari, at Bithwana, thus from the old licencees of category II (Katcha Arthiya) operating in old vegetable market.

3. The petitioners being fully eligible applied for the above mentioned plots, but respondent No.3 wrongly and illegally passed order dated 27.11.2013 whereby the petitioners were held to be not eligible for allotment of plot on preferential basis at the apposite reserve price, relevant portion whereof becomes extracted hereinafter.

*“The documents submitted by you for the allotment of plot in New Vegetable Market, Rewari at Bithwana were scrutinized by the allotment Committee. After careful consideration of document in the light of Haryana State Agriculture Marketing Board (Sale of Immovable property) Rules 2000 amended vide Govt. notification No.1806 Agril-S(3)-2008. your firm found in-eligible for the allotment of plot in New Vegetable Market Rewari.”*

4. The petitioners preferred thereagainst an appeal before respondent No.2 i.e. Chief Administrator, Haryana State Agricultural Marketing Board. The said appeal was allowed vide order dated 23.12.2013 and directions were issued to Market Committee to allot the plot to the petitioners, on reserve price, to be calculated in accordance with Immovable Property Rules, 2000 (hereinafter referred to as ‘the Property Rules’) and further respondent No.3 was directed to take necessary action within 15 days of receipt of order.

5. The petitioners made numerous requests to the respondent No.3 to allot the plot to the petitioners at reserve price by making compliance to the orders of respondent No.2 i.e. Annexure P-2 and P-3, but no action was taken and ultimately the respondent No.3 preferred revision petitions before respondent No.1, against the above-mentioned orders i.e. Annexure P-2 & P-3 passed by respondent No.2. Finally respondent No.1 dismissed the above-mentioned revision petitions preferred by the respondent No.3 vide order dated 01.02.2023.

6. After passing of the above-mentioned orders in favour of the petitioners by respondent No.1, the petitioners again made numerous requests, both oral and written, to the respondent No.3 for allotment of plot on reserve price in New Vegetable Market, Rewari at Bithwana, thus for therebys complying with the orders Annexure P4 & P-5, thus passed by respondent No.1. In response thereto, the petitioners received a letter dated 12.06.2023 from respondent No.3 whereby the petitioners were informed to participate in the draw of lots, on 20.06.2023 in New Vegetable Market, Rewari at Bithwana.

7. It is most pertinent to mention here that the petitioners remained present on 20.06.2023 for participation in draw of lots for allotment at reserve price in New Vegetable Market, Rewari at Bithwana, as per direction given in the above-mentioned letter dated 12.06.2023 by respondent No.3 but the draw of lots was not conducted on that date too.

8. Subsequently, the petitioners on various occasions visited the respondents and also made several written and oral requests, for the allotment of plot at reserve price in New Vegetable Market, Rewari, at Bithwana, in terms of the orders respectively enclosed in Annexure P-2, P-3

and in Annexure P-4, P-5. However, since no favourable response thereto became received by the petitioners from the respondents, as such, the petitioners instituted CWP-16051-2024. On the said writ petition the hereinafter extracted order became passed.

*“In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.*

*However, in the event, no draw is conducted on the date fixed, as indicated above, the petitioners shall be at liberty to move a necessary application in this regard itself for its restoration and appropriate orders.”*

9. Ultimately the draw of lots was conducted on 26.07.2024 and the petitioner No.1 was allotted shop plot No.2 and the petitioner No.2 was allotted shop plot No.33 at New Vegetable Market Bithwana, Rewari, but strangely and shockingly the petitioners were informed and asked to sign the undertaking stating that the payment of amount of shop plot and terms and conditions of allotment will be governed by HSAMB Sale of Property Rules, 2021 (hereinafter referred to as ‘the Rules of 2021’) and further the petitioners were asked to deposit sum of Rs.10,19,520/- as 10% of the total amount (making total amount to Rs.1,01,95,200/-), though the reserve price for the same was Rs.47,20,000/- as per the allotment letter issued to the similarly situated 9 old licensees of Category II allottees, an amount of Rs.16,52,000/- was demanded from them, later on i.e. Total Reserve Price was Rs.63,72,000/- (Rs. 47,20,000/- + Rs.16,52,000/-). The petitioners made a protest theretos on the ground that since the allotment pertains to the year 2013, thereups the Rules of 2000 will be applicable, whereby the petitioners were to be charged the reserve price Rs.63,72,000/-, thus similar

to the 9 old Licensees of Category II allottees, to whom allotment was made in the draw of lots, held on 29.11.2013. The petitioners were assured that the objections of the petitioners will be considered and in these circumstances the petitioners signed the undertaking under protest and deposited the asked amount under protest.

10. Consequently the petitioners pray that fresh letters of allotment be directed to be issued to them mentioning therein that the reserve price of the subject plots be determined in accordance with the Rules of 2000.

11. Though, the instant letter of intent became issued in the year 2024. Moreover, when then thus, the Rules of 2021 came into existence. In addition, though therebys occurred an escalation in the reserve price pertaining to the subject plots, from Rs.63,72,000/-, as became earlier fixed in terms of the old Rules of 2000.

12. Nonetheless, it is not disputed that the present petitioners were entitled to the subject allotments, as they were holding a commercial premises in the old Sabji Mandi and which became shifted to the new Vegetable Market, Rewari.

13. The applications which became instituted by the present petitioners was instituted in the year 2013. Therefore, on the said date of the making of the application by the present petitioners, the Rules of 2000 were in operation. However, it appears that on account of an order becoming passed by co-respondent No.3 on 27.11.2013, wherebys the present petitioners were declared to be ineligible for seeking allotment of the subject plots at the reserve price to be determined as per the Rules of 2000, that thereupons the asked for allotment rather was not made in their favour.

14. Be that as it may, the said order became subsequently successfully challenged at the instance of the present petitioners, thus through the respective makings of Annexure P-2 to P-3 and P-4 to P-5, thus respectively by the Appellate Authority and by the Revisional Authority, whereby the petitioners become declared eligible for the allotment of the subject plots.

15. Now the order passed by the Appellate Authority (Annexures P/2 to P-3) became passed in the year 2013, and, on the said date the Rules of 2000 were in operation. The said order when merges into the order passed by the Revisional Authority in the year 2023, and with the Appellate order becoming made in the year, 2013, yet when the Appellate order passed in the year 2013, thus merges into the order rendered in the year 2023. Resultantly, irrespective of the fact, that on the date of the passing of the order by the Revisional Authority, which but affirmed the order of the Appellate Authority, as became passed in the year 2013, qua then the Rules of 2021 being in operation, yet rather the Rules of 2000 were applicable.

16. In other words, unless the orders favourable to the petitioners passed on 23.12.2013 by the Appellate Authority, became annulled by the Revisional Authority, thereby the orders passed by the Appellate Authority would not become merged into the orders of the Revisional Authority. However, when in the instant case, the orders passed by the Appellate Authority, did evidently merge into the order passed by the Revisional Authority on 01.02.2023, as the Revisional Authority affirmed the orders passed by the Appellate Authority, which become so rendered in the year 2013, when the Rules of 2000 were in force. In sequel, when thereby the doctrine of merger becomes applicable but with the most striking effective

force, therebys when the year 2013, thus becomes the relevant reckoning year rather for considering the respective applicabilities of Rules of 2000 or of the Rules of 2021 vis-a-vis the subject lands. Therefore, and, moreover, and also concomitantly through applying the doctrine of relating back qua the order passed by the Revisional Authority, in the year 2023 vis-a-vis the date of the passing of the Appellate Authority, order in the year 2013, besides when in the year 2013, the Rules of 2000 were in operation, therebys also this Court concludes that the Rules of 2000 were to be applied vis-a-vis the subject plots.

17. Therefore, since this Court has declared, that only if the orders favourable to the petitioners, as became passed by the Appellate Court, in the year 2013, became annulled by the Revisional Authority, through an order becoming passed, post the coming into force of the Rules of 2021, that therebys alone since then the Rules of 2021 were in operation, thus the Rules of 2021, rather would hold applicability.

18. However, since in the instant case, this Court has declared that the orders favourable to the petitioners, as became rendered by the Appellate Authority in the year 2013, thus merged into the order of the Revisional Authority drawn in the year 2023. Resultantly when through also applying the doctrine of relating back, to the order passed in the year 2023, by the Revisional Authority whereby an order in affirmation to the orders passed by the Appellate Authority, thus in the year 2013, thus became rendered, thereupons obviously when then the Rules of 2000 were in operation. In sequel, reiteratedly the reckonable date for applying the Rules of 2000 or the Rules of 2021, is the date of passing of the Appellate Authority i.e. 2013, wherebys the case of the present petitioners were to be considered under the

Rules of 2000, thus for determining the reserve price of the subject plots, than the Rules of 2021.

19. In coming to the above conclusion, it is necessary to bear in mind the savings clause, as occurs in Rule 14 of the Rules of 2021, clause whereof become extracted hereinafter.

“xxx

*(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the rules so repealed; or”*

20. Now since a perusal of clause (c) of Rule 14 of the Savings Clause, reveals that despite the Rules of 2021 repealing the earlier Rules of 2000, yet therebys rather not becoming affected any right, privilege, obligation or liability acquired, accrued or incurred under the rules so repealed. Resultantly therebys since the rights which the present petitioners acquired, were through an order becoming passed by the Appellate Authority, in the year 2013, more especially, also, when the said passed order merged into the order of the Revisional Authority. In sequel, there has been an incorrect application of the Rules of 2021 vis-a-vis the case of the petitioners.

21. In aftermath, there is merit in the instant petition, and, the same is allowed. The respondents concerned, are directed to issue fresh allotment letters in favour of the petitioners, as per the Rules of 2000.

**(SURESHWAR THAKUR)**  
**JUDGE**

**25.02.2025**

Ithlesh

Whether speaking/reasoned:- Yes/No  
Whether reportable: Yes/No

**(VIKAS SURI)**  
**JUDGE**