

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.806 of 2025

Date of Decision:- 18.09.2026

Ishan Bhardwaj

....Appellant

Versus

State of Himachal Pradesh and Others

....Respondents

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?¹

For the Appellant : Mr. Sanjeev Bhushan, Senior Advocate with Mr. Jagdish Thakur, Advocate.

For the Respondents : Ms. Priyanka Chauhan, Deputy Advocate General, for respondent Nos.1 to 3-State.

: Ms. Suman Thakur, Advocate, for respondent Nos.4 and 5.

G.S. Sandhawalia, Chief Justice (Oral)

The present appeal is directed against the order passed by the learned Single Judge in ***CWP No.12630 of 2024***, titled as ***Ishan Bhardwaj Vs. State of Himachal Pradesh and Others***, dated 14.11.2024, as well as the

¹ Whether reporters of Local Papers may be allowed to see the judgment?

order in the Review Petition No.28 of 2025, titled as Ishan Bhardwaj Vs. State of Himachal Pradesh and Others, dated 15.05.2025, whereby the learned Single Judge had principally upheld the earlier order.

2. In the principal order dated 14.11.2024, passed by the learned Single Judge, directions were issued to the Director (Transport) to treat the petition as a representation on behalf of the petitioner and to decide it expeditiously, after providing an opportunity of being heard to the petitioner and other stakeholders, including the private respondents. However, an embargo was placed ensuring that the resulting order would be binding on all parties and that they would not be permitted to rake up this issue again. The relevant paragraph reads as under:-

“7. Consequently, in view of the above, the present petition is disposed of with a direction to Director (Transport) to treat the petition at hand as a representation on behalf of the petitioner and decide the same expeditiously, preferably, within a period of ten days from today, by passing a speaking order. Needless to say, authority concerned, while doing the needful shall afford an opportunity of hearing to the petitioner as well as other stake holders, including the private. The present appeal is directed against the order passed by the learned Single Judge in CWP No. 12630 of 2024, titled Ishan Bhardwaj Vs. State of Himachal Pradesh

and Others, dated 14.11.2024, as well as the order in the Review Petition dated 15.05.2025, whereby the learned Single Judge principally upheld the earlier order. In the principal order dated 14.11.2024, directions were issued to the Director (Transport) to treat the petition as a representation on behalf of the petitioner and to decide it expeditiously, after providing an opportunity of being heard to the petitioner and other stakeholders, including the private respondents. However, an embargo was placed ensuring that the resulting order would be binding on all parties and that they would not be permitted to rake up this issue again. In the aforesaid terms, present petition is disposed of alongwith pending applications, if any."

3. Counsel for the appellant has submitted that, in pursuance of the said directions, the order dated 07.02.2025 **(Annexure R-I)** was passed by the Director (Transport), Himachal Pradesh, Shimla, whereby the earlier order dated 19.10.2024 passed by the Secretary, Regional Transport Authority, against which the petitioner was aggrieved, was upheld.

4. It is submitted that, at that point of the time, the Appellate Tribunal was not functional, which necessitated the filing of the writ petition. It is further submitted that the confirmation of the earlier order gave rise to a cause of action to file a statutory appeal under Section 89 of the Motor Vehicles Act, 1988. It has been pointed out that the

learned Single Judge had also been approached by way of a Review Petition, which was subsequently dismissed. Thus, it is submitted that the petitioner could not have approached the Appellate Tribunal earlier, and the cause of action arose only after the subsequent order was passed.

5. Counsel for private respondent Nos.4 and 5, on the other hand, submits that the earlier order was also passed by the learned Single Judge at their back. However, it is apparent that the said respondents had never filed any application for clarification of the earlier order dated 14.11.2024, for the proceedings to be continued before the Director (Transport), who had confirmed the proceedings in their favour vide order dated 07.02.2025, while rejecting the representation of the present appellant.

6. In such circumstances, we are of the considered opinion that once the statutory right to file the petition existed, the learned Single Judge was not justified in curtailing that right of the petitioner as such.

7. Resultantly, we allow the present appeal to this limited extent and hold that it is always open to the petitioner to file an appeal against the order dated 07.02.2025

(Annexure R-I) before the Himachal Pradesh State Transport Appellate Tribunal, Hamirpur, Himachal Pradesh.

8. Needless to say, the Appellate Tribunal shall decide the issue on its merits and limitation would not come in the way. The petitioner shall be free to file an appeal within a period of four weeks from today, taking into account the time, the matter was pending before this Court.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Jiya La Bhardwaj)
Judge

18th September, 2026

(Munish Thakur)