

\$~06.

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6054/2015

% *Judgment dated 24.06.2015*

MANPOWER CO-OPERATIVE GROUP  
HOUSING SOCIETY

..... Petitioner

Through : Mr.Sunil Kumar and Mr.P.P. Sharma,  
Advs.

versus

OFFICE OF THE REGISTRAR OF  
CO-OPERATIVE SOCIETIES, GNCT OF DELHI..... Respondent

Through : Mr.Naushad Ahmed Khan, ASC (Civil),  
for respondent no.2.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MR. JUSTICE R.K. GAUBA**

**G.S.SISTANI, J (ORAL)**

**CM APPL. 10998/2015.**

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

**W.P.(C) 6054/2015**

3. Present writ petition has been filed by petitioner under Articles 226/227 of the Constitution of India seeking a direction to set aside the order dated 18.5.2015 passed by Assistant Registrar (Section IV), Office of Registrar of Cooperative Societies, GNCTD, whereby respondent had appointed Mr.Rajesh Jain, Superintendent (Central Excise), as Administrator to manage the affairs of the petitioner society and conduct election of the managing committee of the petitioner society.

4. Learned counsel for the petitioner submits that the last election of the executive body of the petitioner society was held in the year 2011 and since the next election was to be held after three years a notice was sent to all the members of the society on 30.1.2015 informing them that the elections would be held on 22.2.2015. Meanwhile, the society received the communication dated 30.1.2015 from the Assistant Registrar informing the petitioner society that a Returning Officer had been appointed and his fee was fixed at Rs.6,000/-. In view of the development, the petitioner society did not conduct the elections on 22.2.2015.
5. While, it is the case of the petitioner that the petitioner cooperated with the Returning Officer appointed by the Assistant Registrar, it is submitted by counsel for the respondent that on account of non-cooperation the Returning Officer could not conduct the elections. Subsequently, on 18.5.2015 the impugned order was passed by which an Administrator has been appointed. Counsel further submits that the impugned order is an unreasoned order and the same has been passed without granting any opportunity of hearing to the petitioner to set out his case.
6. Issue notice to show cause to the respondent as to why petition be not admitted. Learned counsel for the respondent enters appearance on an advance copy and accepts notice.
7. With the consent of the parties present writ petition is set down for final hearing and disposal.
8. Learned counsel for the respondent submits that the Registrar was forced to pass the impugned order as the petitioner society did not follow the Rules under the Cooperative Societies Act and despite many complaints election could not be carried out.
9. We have heard learned counsel for the parties and also perused the impugned order dated 18.5.2015, which reads as under:

“Ref. No. : F47/435/S4/GH/COOP

Dated:

ORDER

Whereas MANPOWER CGHS LTD. NEW DELHI is registered with this department vide registration no.435.

Now the secretary cum registrar, co-operative societies GNCT OF DELHI in exercise of the power vested in him under DCS ACT & RULE appoints SH. RAJESH JAIN, superintendent, Central Excise, DTE GENERAL OF INSPECTION, CUSTOMS & CENTRAL EXCISE, GNCT OF DELHI as administrator in the MANPOWER CGHS LTD. u/s 35(5) of DCS ACT 2003 to manage the affairs of the society and conduct the election of the managing committee of the society within a period of 90 days from the date of issue of the order and entitled to receive Rs.10,000/- (RUPEES TEN THOUSAND ONLY) per months as honorarium out of the society funds.

This issues with the prior approval of the competent authority.

Sd/-  
PAWAN KUMAR  
ASSTT. REGISTRAR, SECTION IV,  
Dated 18.05.2015”

10. A bare perusal of the impugned order dated 18.5.2015 shows that the order does not contain any reasons. In fact the order does not even give the minimal background, which led to passing of the impugned order. While passing an order, to give opportunity of hearing, may or may not be mandatory but the law is well-settled that an order even a quasi judicial order must incorporate reasons, which would give some idea with regard

to functioning of the mind of the person, who has passed the order. Unfortunately, the impugned order dated 18.5.2015 is completely bereft of any reasons whatsoever.

11. It is well settled that administrative authorities are not required to record reasons as elaborately as in an order passed by a Court. But surely what is required upon reading of the order must show application of mind to the relevant facts and reasons howsoever short they may be, should be recorded.
12. In the case of ***Kranti Associates Private Limpid and Others v. Masood Ahmed Khaan and Others***, reported at (2010) 9 SCC 496, the Apex Court has highlighted the necessity of giving reasons by a body or authority in support of its decision. The Supreme Court also took into account that initially the Court recognised a somewhat demarcation between the administrative orders and quasi judicial orders but with the passage of time the Supreme Court recognised the fact that the distinction between the two got blurred and almost vanished. The Supreme Court also held that an order passed by a quasi judicial body or even an administrative authority affecting the rights of the parties must be a speaking order.
13. Para 14 to 47 of the ***Kranti Associates Private Limpid and Others*** (supra) read as under:

“14. The expression ‘speaking order’ was first coined by Lord Chancellor Earl Cairns in a rather strange context. The Lord Chancellor, while explaining the ambit of Writ of Certiorari, referred to orders with errors on the face of the record and pointed out that an order with errors on its face, is a speaking order. (See 1878-97 Vol. 4 Appeal Cases 30 at 40 of the report).

15. This Court always opined that the face of an order passed by a quasi-judicial authority or even an administrative authority

affecting the rights of parties, must speak. It must not be like the 'inscrutable face of a Sphinx'.

16. In the case of Harinagar Sugar Mills Ltd. vs. Shyam Sunder Jhunjunwala and others, AIR 1961 SC 1669, the question of recording reasons came up for consideration in the context of a refusal by Harinagar to transfer, without giving reasons, shares held by Shyam Sunder. Challenging such refusal, the transferee moved the High Court contending, inter alia, that the refusal is mala fide, arbitrary and capricious. The High Court rejected such pleas and the transferee was asked to file a suit. The transferee filed an appeal to the Central Government under Section 111 Clause (3) of Indian Companies Act, 1956 which was dismissed. Thereafter, the son of the original transferee filed another application for transfer of his shares which was similarly refused by the Company. On appeal, the Central Government quashed the resolution passed by the Company and directed the Company to register the transfer. However, in passing the said order, Government did not give any reason. The company challenged the said decision before this Court.

17. The other question which arose in Harinagar (supra) was whether the Central Government, in passing the appellate order acted as a tribunal and is amenable to Article 136 jurisdiction of this Court.

18. Even though in Harinagar (supra) the decision was administrative, this Court insisted on the requirement of recording reason and further held that in exercising appellate powers, the Central Government acted as a tribunal in exercising judicial powers of the State and such exercise is subject to Article 136 jurisdiction of this Court. Such powers, this Court held, cannot be effectively exercised if reasons are not given by the Central Government in support of the order (AIR pp. 1678-79, Para 23).

19. Again in the case of Bhagat Raja vs. Union of India and others, AIR 1967 SC 1606, the Constitution Bench of this Court examined the question whether the Central Government was bound to pass a speaking order while dismissing a revision and confirming

the order of the State Government in the context of Mines and Minerals (Regulation and Development) Act, 1957, and having regard to the provision of Rule 55 of Mineral and Concessions Rules. The Constitution Bench held that in exercising its power of revision under the aforesaid Rule the Central Government acts in a quasi-judicial capacity (See para 8 page 1610). Where the State Government gives a number of reasons some of which are good and some are not, and the Central Government merely endorses the order of the State Government without specifying any reason, this Court, exercising its jurisdiction under Article 136, may find it difficult to ascertain which are the grounds on which Central Government upheld the order of the State Government (See para 9 page 1610). Therefore, this Court insisted on reasons being given for the order.

20. In *Mahabir Prasad Santosh Kumar vs. State of U.P and others*, AIR 1970 SC 1302, while dealing with U.P. Sugar Dealers License Order under which the license was cancelled, this Court held that such an order of cancellation is quasi-judicial and must be a speaking one. This Court further held that merely giving an opportunity of hearing is not enough and further pointed out where the order is subject to appeal, the necessity to record reason is even greater. The learned Judges held that the recording of reasons in support of a decision on a disputed claim ensures that the decision is not a result of caprice, whim or fancy but was arrived at after considering the relevant law and that the decision was just. (See SCC . 768, para 7 : AIR p. 1304, para 7).

21. In the case of M/s. Travancore Rayons Ltd. vs. The Union of India and others, AIR 1971 SC 862, the Court, dealing with the revisional jurisdiction of the Central Government under the then Section 36 of the Central Excise and Salt Act, 1944, held that the Central Government was actually exercising judicial power of the State and in exercising judicial power reasons in support of the order must be disclosed on two grounds. The first is that the person aggrieved gets an opportunity to demonstrate that the reasons are erroneous and secondly, the obligation to record reasons operates as

a deterrent against possible arbitrary action by the executive authority invested with the judicial power (See SCC p. 874, para 11 : AIR pp. 865-66, para 11).

22. In Woolcombers of India Ltd. vs. Woolcombers Workers Union and another, AIR 1973 SC 2758, this Court while considering an award under Section 11 of Industrial Disputes Act insisted on the need of giving reasons in support of conclusions in the Award. The Court held that the very requirement of giving reason is to prevent unfairness or arbitrariness in reaching conclusions. The second principle is based on the jurisprudential doctrine that justice should not only be done, it should also appear to be done as well. The learned Judges said that a just but unreasoned conclusion does not appear to be just to those who read the same. Reasoned and just conclusion on the other hand will also have the appearance of justice. The third ground is that such awards are subject to Article 136 jurisdiction of this Court and in the absence of reasons, it is difficult for this Court to ascertain whether the decision is right or wrong (See SCC pp. 320-2, para 5 : AIR p. 2761, para 5).

23. In Union of India vs. Mohan Lal Capoor and others, AIR 1974 SC 87, this Court while dealing with the question of selection under Indian Administrative Service/Indian Police Service (Appointment by Promotion Regulation) held that the expression "reasons for the proposed supersession" should not be mere rubber stamp reasons. Such reasons must disclose how mind was applied to the subject matter for a decision regardless of the fact whether such a decision is purely administrative or quasi-judicial. This Court held that the reasons in such context would mean the link between materials which are considered and the conclusions which are reached. Reasons must reveal a rational nexus between the two (See SCC pp. 853-54, paras 27-28 : AIR pp. 97-98, paras 27-28).

24. In Siemens Engineering and Manufacturing Co. of India Ltd. vs. The Union of India and another, AIR 1976 SC 1785, this Court held that it is far too well settled that an authority in making an order in exercise of its quasi-judicial function, must record reasons

in support of the order it makes. The learned Judges emphatically said that every quasi- judicial order must be supported by reasons. The rule requiring reasons in support of a quasi- judicial order is, this Court held, as basic as following the principles of natural justice. And the rule must be observed in its proper spirit. A mere pretence of compliance would not satisfy the requirement of law (See SCC . 986, para 6 : AIR p. 1789, para 6).

25. In Smt. Maneka Gandhi vs. Union of India and Anr., AIR 1978 SC 597, which is a decision of great jurisprudence significance in our Constitutional law, Chief Justice Beg, in a concurring but different opinion held that an order impounding a passport is a quasi-judicial decision (Para 34, page 612). The learned Chief Justice also held when an administrative action involving any deprivation of or restriction on fundamental rights is taken, the authorities must see that justice is not only done but manifestly appears to be done as well. This principle would obviously demand disclosure of reasons for the decision.

26. Y.V. Chandrachud J (as His Lordship then was) in a concurring but a separate opinion also held that refusal to disclose reasons for impounding a passport is an exercise of an exceptional nature and is to be done very sparingly and only when it is fully justified by the exigencies of an uncommon situation. The learned Judge further held that law cannot permit any exercise of power by an executive to keep the reasons undisclosed if the only motive for doing so is to keep the reasons away from judicial scrutiny. (See para 39 page 613).

27. In Rama Varma Bharathan Thampuran vs. State of Kerala and Ors., AIR 1979 SC 1918, Justice V.R. Krishna Iyer speaking for a three-Judge Bench held that the functioning of the Board was quasi-judicial in character. One of the attributes of quasi- judicial functioning is the recording of reasons in support of decisions taken and the other requirement is following the principles of natural justice. Learned Judge held that natural justice requires reasons to be written for the conclusions made (See para 14 page 1922).

28. In *Gurdial Singh Fijji vs. State of Punjab and Ors.*, (1979) 2 SCC 368, this Court, dealing with a service matter, relying on the ratio in *Capoor* (supra), held that "rubber-stamp reason" is not enough and virtually quoted the observation in *Capoor* (supra) to the extent that reasons "are the links between the materials on which certain conclusions are based and the actual conclusions." (See para 18 page 377).

29. In a Constitution Bench decision of this Court in *Shri Swamiji of Shri Admar Mutt etc. etc. vs. The Commissioner, Hindu Religious and Charitable Endowments Dept. and Ors.*, AIR 1980 SC 1, while giving the majority judgment Chief Justice Y.V. Chandrachud referred to Broom's *Legal Maxims* (1939 Edition, page 97) where the principle in Latin runs as follows:

"Ces-sante Ratione Legis Cessat Ipsa Lex"

30. The English version of the said principle given by the Chief Justice is that: (H.H. Shri Swamiji case (1979) 4 SCC 642)

"Reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself."

31. In *M/s. Bombay Oil Industries Pvt. Ltd. vs. Union of India and Others*, AIR 1984 SC 160, this Court held that while disposing of applications under Monopolies and Restrictive Trade Practices Act the duty of the Government is to give reasons for its order. This court made it very clear that the faith of the people in administrative tribunals can be sustained only if the tribunals act fairly and dispose of the matters before them by well considered orders. In saying so, this Court relied on its previous decisions in *Capoor* (supra) and *Siemens Engineering* (supra), discussed above.

32. In *Ram Chander vs. Union of India and others*, AIR 1986 SC 1173, this Court was dealing with the appellate provisions under the Railway Servants (Discipline and Appeal) Rules, 1968 condemned the mechanical way of dismissal of appeal in the context of requirement of Rule 22(2) of the aforesaid Rule. This Court held

that the word "consider" occurring to the Rule 22(2) must mean the Railway Board shall duly apply its mind and give reasons for its decision. The learned Judges held that the duty to give reason is an incident of the judicial process and emphasized that in discharging quasi-judicial functions the appellate authority must act in accordance with natural justice and give reasons for its decision (Para 4, page 1176).

33. In *M/s. Star Enterprises and others vs. City and Industrial Development Corporation of Maharashtra Ltd. and others*, (1990) 3 SCC 280, a three-Judge Bench of this Court held that in the present day set up judicial review of administrative action has become expansive and is becoming wider day by day and the State has to justify its action in various field of public law. All these necessitate recording of reason for executive actions including the rejection of the highest offer. This Court held that disclosure of reasons in matters of such rejection provides an opportunity for an objective review both by superior administrative heads and for judicial process and opined that such reasons should be communicated unless there are specific justification for not doing so (see Para 10, page 284-285).

34. In *Maharashtra State Board of Secondary and Higher Secondary Education vs. K.S. Gandhi and others*, (1991) 2 SCC 716, this Court held that even in domestic enquiry if the facts are not in dispute non-recording of reason may not be violative of the principles of natural justice but where facts are disputed necessarily the authority or the enquiry officer, on consideration of the materials on record, should record reasons in support of the conclusion reached (see para 22, pages 738-739).

35. In the case of *M.L. Jaggi vs. Mahanagar Telephones Nigam Limited and others*, (1996) 3 SCC 119, this Court dealt with an award under Section 7 of the Telegraph Act and held that since the said award affects public interest, reasons must be recorded in the award. It was also held that such reasons are to be recorded so that it enables the High Court to exercise its power of judicial review on the validity of the award. (see para 8, page 123).

36. In Charan Singh vs. Healing Touch Hospital and others, AIR 2000 SC 3138, a three-Judge Bench of this Court, dealing with a grievance under CP Act, held that the authorities under the Act exercise quasi-judicial powers for redressal of consumer disputes and it is, therefore, imperative that such a body should arrive at conclusions based on reasons. This Court held that the said Act, being one of the benevolent pieces of legislation, is intended to protect a large body of consumers from exploitation as the said Act provides for an alternative mode for consumer justice by the process of a summary trial. The powers which are exercised are definitely quasi-judicial in nature and in such a situation the conclusions must be based on reasons and held that requirement of recording reasons is "too obvious to be reiterated and needs no emphasizing". (See Para 11, page 3141 of the report).

37. Only in cases of Court Martial, this Court struck a different note in two of its Constitution Bench decisions, the first of which was rendered in the case of Som Datt Datta vs. Union of India and others, AIR 1969 SC 414, Mr. Justice Ramaswami delivering the judgment for the unanimous Constitution Bench held that provisions of Sections 164 and 165 of the Army Act do not require an order confirming proceedings of Court Martial to be supported by reasons. The Court held that an order confirming such proceedings does not become illegal if it does not record reasons. (Para 10, page 421- 422 of the report).

38. About two decades thereafter, a similar question cropped up before this Court in the case of S.N. Mukherjee vs. Union of India, AIR 1990 SC 1984. A unanimous Constitution Bench speaking through Justice S.C. Agrawal confirmed its earlier decision in Som Datt (supra) in para 47 at page 2000 of the report and held reasons are not required to be recorded for an order confirming the finding and sentence recorded by the Court Martial.

39. It must be remembered in this connection that the Court Martial as a proceeding is sui generis in nature and the Court of

Court Martial is different, being called a Court of Honour and the proceeding therein are slightly different from other proceedings. About the nature of Court Martial and its proceedings the observations of Winthrop in Military Law and Precedents are very pertinent and are extracted herein below:

"Not belonging to the judicial branch of the Government, it follows that courts-martial must pertain to the executive department; and they are in fact simply instrumentalities of the executive power, provided by Congress for the President as Commander-in-Chief, to aid him in properly commanding the Army and Navy and enforcing discipline therein, and utilized under his orders or those of his authorized military representatives."

40. Our Constitution also deals with Court Martial proceedings differently as is clear from Articles 33, 136(2) and 227(4) of the Constitution.

41. In England there was no common law duty of recording of reasons. In *Marta Stefan vs. General Medical Council*, (1999) 1 WLR 1293, it has been held, "the established position of the common law is that there is no general duty imposed on our decision makers to record reasons". It has been acknowledged in the Justice Report, *Administration Under Law* (1971) at page 23 that "No single factor has inhibited the development of English administrative law as seriously as the absence of any general obligation upon public authorities to give reasons for their decisions".

42. Even then in the case of *R vs. Civil Service Appeal Board, ex parte Cunningham* reported in (1991) 4 All ER 310, Lord Donaldson, Master of Rolls, opined very strongly in favour of disclosing of reasons in a case where the Court is acting in its discretion. The learned Master of Rolls said: (All ER p. 317)

"... ‘ ... It is a corollary of the discretion conferred upon the board that it is their duty to set out their reasoning in sufficient form to show the principles on which they have proceeded. Adopting Lord Lane CJ's observations (in R vs. Immigration Appeal Tribunal, ex p Khan (Mahmud) [1983] 2 All ER 420 at 423, (1983) QB 790 at 794-795), the reasons for the lower amount is not obvious. Mr. Cunningham is entitled to know, either expressly or inferentially stated, what it was to which the board were addressing their mind in arriving at their conclusion. It must be obvious to the board that Mr. Cunningham is left with a burning sense of grievance. They should be sensitive to the fact that he is left with a real feeling of injustice, that having been found to have been unfairly dismissed, he has been deprived of his just desserts (as he sees them)".

43. The learned Master of Rolls further clarified by saying:

"..thus, in the particular circumstances of this case, and without wishing to establish any precedent whatsoever, I am prepared to spell out an obligation on this board to give succinct reasons, if only to put the mind of Mr. Cunningham at rest. I would therefore allow this application."

44. But, however, the present trend of the law has been towards an increasing recognition of the duty of Court to give reasons (See North Range Shipping Limited vs. Seatrans Shipping Corporation, (2002) 1 WLR 2397). It has been acknowledged that this trend is consistent with the development towards openness in Government and judicial administration.

45. In English vs. Emery Reimbold and Strick Limited, (2002) 1 WLR 2409, it has been held that justice will not be done if it is not apparent to the parties why one has won and the other has lost. The

House of Lords in *Cullen vs. Chief Constable of the Royal Ulster Constabulary*, (2003) 1 WLR 1763, Lord Bingham of Cornhill and Lord Steyn, on the requirement of reason held : (WLR p. 1769, para 7)

"7. ... First, they impose a discipline ... which may contribute to such decisions being considered with care. Secondly, reasons encourage transparency ... Thirdly, they assist the Courts in performing their supervisory function if judicial review proceedings are launched."

46. The position in the United States has been indicated by this Court in *S.N. Mukherjee* (supra) in paragraph 11 at page 1988 of the judgment. This Court held that in the United States the Courts have always insisted on the recording of reasons by administrative authorities in exercise of their powers. It was further held that such recording of reasons is required as "the Court cannot exercise their duty of review unless they are advised of the considerations underlying the action under review". In *S.N. Mukherjee* (supra) this court relied on the decisions of the U.S. Court in *Securities and Exchange Commission vs. Chenery Corporation*, (1942) 87 Law Ed 626 and *John T. Dunlop vs. Walter Bachowski*, (1975) 44 Law Ed 377 in support of its opinion discussed above.

47. Summarizing the above discussion, this Court holds:

- a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.
- b. A quasi-judicial authority must record reasons in support of its conclusions.
- c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

- d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.
- e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.
- f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.g. Reasons facilitate the process of judicial review by superior Courts.
- g. Reasons facilitate the process of judicial review by superior courts.
- h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.
- i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.
- j. Insistence on reason is a requirement for both judicial accountability and transparency.

- k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.
- l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.
- m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harward Law Review 731-737).
- n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs. University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".

- 14. We have quoted in detail the judgment passed by the Supreme Court of India as the Supreme Court has taken into consideration various judgments passed from time to time, which have explained in detail the

purpose, aim and objective of passing of speaking orders.

15. The impugned order, by which an Administrator has been appointed, has far reaching consequences. The order so passed by the Assistant Registrar has been extracted in para 9 foregoing, which would show that no reasons whatsoever have been recorded. Thus, we are of the view that reasons howsoever short should have been recorded by the Assistant Registrar in the impugned order.
16. At this stage, learned counsel for the respondent submits that a show cause notice will be issued to the petitioner and after granting an opportunity of hearing, a reasoned order will be passed.
17. Accordingly, present petition is allowed. The impugned order dated 18.5.2015 is quashed. Respondent will issue a show cause notice to the petitioner, grant an opportunity to file its reply and a personal hearing to the authorized representative of the petitioner, and thereafter pass a reasoned order in accordance with law.
18. Accordingly, present petition stands disposed of in view of above.

**CM APPL. 10999/2015 (STAY)**

19. Application stands disposed of in view of above.
20. DASTI.

**G.S.SISTANI**  
**(VACATION JUDGE)**

**R.K.GAUBA**  
**(VACATION JUDGE)**

**JUNE 24, 2015**

msr