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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 308/2017, CM No. 1487/2017

GANGA DUTT YADAV

..... Petitioner

Through: Mr. Mohit Ramola, Adv. with Mr.
Himanshu Tyagi, Adv.

versus

GAON SABHA KHARKHARI JATMAL & ORS.

..... Respondent

Through: Mr. Peeyoosh Kalra, ASC with Mr.
Shiva Sharma & Ms. Sona Babbar,
Adv. For GNCTD

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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23.01.2017

On the last date of hearing i.e 13th January, 2017 this Court had passed the following order:-

“The challenge in this writ petition is by one Shri Ganga Dutt who was the appellant in case no.301/2015 before the learned Financial Commissioner, Delhi. It is the submission of the learned counsel for the petitioner that the Financial Commissioner on the basis of an appeal being no.96/2014 titled as Jagdish vs. Gaon Sabha Kharkhari Jatmal wherein the Ld. Financial Commissioner has upheld the order dated 12th May, 2014 has dismissed the appeal case no.301/2015, of the petitioner. According to him, the order dated 12th May, 2014 did not concern the petitioner herein. He also states, the impugned order in the case of the petitioner, before the Ld. Financial Commissioner

was dated 12th August, 2015. In other words, it is his submission that the learned Financial Commissioner without discussing the facts of the case of the petitioner has rejected the appeal. Mr. Peeyosh Kalra, who appears for the respondents on advance notice concedes to the fact that the Ld. Financial Commissioner should have discussed the facts of the petitioner independently and decided the appeal. He seeks some time to take instructions.”

Mr. Peeyoosh Kalra, Adv. would submit that even though the learned Financial Commissioner has noted the facts with respect to the case relatable to the petitioner, he has not given any finding. I note, the findings in Para 6 are primarily relatable to an order of the Deputy Commissioner dated 12th May, 2015 which does not relate to the petitioner, in whose case the order of the Deputy Commissioner was dated 12th August, 2015. The petition is allowed. The impugned order dated 26th December, 2015 is set aside to the extent that learned Financial Commissioner has dismissed the case no. 301/2015 filed by the petitioner. The matter is remanded back to the learned Financial Commissioner for re-adjudication of the case no. 301/2015 by passing a reasoned order as expeditiously as possible.

No costs.

CM No. 1487/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

JANUARY 23, 2017/ak