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

+ W.P.(C) 5168/2016 & CM Appl. 21522/2016

SULTAN HUSSAIN

..... Petitioner

Through: Mr. Ashish Mohan with Mr. Mohit
Kumar, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Jagjit Singh with Ms. Shipra Shukla
and Mr. Preet Singh, Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **16.02.2017**

The present writ petition has been filed challenging the orders dated 06th April, 2016 and November 2015 passed by respondent No. 3-Sr. Divisional Commercial Manager, Northern Railways and respondent no. 2-Chief Commercial Manager, Northern Railways respectively, whereby the respondents have cancelled the petitioner's registration, all existing contracts operating from Delhi Division, forfeiture of registration fees and security deposit of all contracts. The petitioner has been further blacklisted for a period of five years on the ground that there had been five instances of overloading AGC in Train No. 12420 Ex. NDLS to LKO.

Mr. Ashish Mohan, learned counsel for the petitioner that in pursuance to the order dated 14th July, 2015 passed in

WP(C)2015/2014, the impugned orders have been passed without jurisdiction. He further states that despite repeated requests, the respondents did not provide all the requisite documents in support of the allegations levelled against the petitioner. He lastly states that the impugned appellate order is non-reasoned.

Mr. Jagjit Singh, learned counsel for the respondents states that all the relevant documents were handed over to the petitioner on 27th November, 2015 along with the termination letter. He, however, states that another set of documents shall be handed over to learned counsel for the petitioner during the course of the day.

Having heard learned counsel for the parties and having perused the paper book, this Court finds that the impugned appellate order gives no reasons. It is settled law that reasons are the link between the order and the minds of its maker and every quasi-judicial authority order must be supported by reasons. [See *M.J. Sivani & Ors. Vs. State of Karnataka & Ors. (1995) 6 SCC 289* and *The Siemens Engineering and Manufacturing Co. of India Ltd. Vs. The Union of India & Anr. AIR 1976 SC 1785*]. It has also been held by the Supreme Court that recording of reasons while deciding cases is a mandatory requirement.[See *Vasudeo Vishwanath Saraf Vs. New Education Institute & Ors, AIR 1986 SC 2105*].

Consequently, the impugned appellate order dated 06th April, 2016 is set aside and the matter is remanded back to the appellate authority.

The petitioner is given liberty to raise additional grounds before the appellate authority within a period of one week.

Both parties are directed to appear before the appellate authority on 01st March at 4 p.m.

With the aforesaid directions, the present writ petition and pending application are disposed of. However, this Court clarifies that it has not expressed any opinion on the merits of the controversy. Rights and contentions of all parties are left open.

MANMOHAN, J

FEBRUARY 16, 2017
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