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

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Judgment delivered on: 23.05.2017

+ W.P.(C) 3695/2017 & CM No.16271/2017

BUCON ENGINEERS & INFRASTRUCTURE PVT. LTD.

..... Petitioner

versus

THE APPELLATE AUTHORITY (COMMITTEE OF
DIRECTORS) GAIL GAS LTD. & ANR

.... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr. Deepak Dhingra with Mr. Natwar Rai, Mr. Sumit Kumar Vats and Ms. Shnivangi Singh, Advocates.

For the Respondents :

Ms. Ramji Srinivasan, Sr. Advocate with Ms. Purnima Maheshwari, Mr. D.K. Singh and Mr. Tushar Bhardwaj, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

23.05.2017

SANJEEV SACHDEVA, J. (ORAL)

W.P.(C) 3695/2017 & CM No.16271/2017 (stay)

1. The petitioner impugns order dated 30.01.2017, whereby the Appellate Authority of the respondent has rejected the appeal filed by the petitioner.

2. Perusal of order dated 30.01.2017 shows that the Appellate Authority has merely noticed the averments in the show cause notice,

reply of the petitioner and the response to the said reply by the respondent No.2. Thereafter, the Appellate Authority in one paragraph, without assigning any reason or dealing with the contentions raised by the petitioner, has rejected the appeal.

3. The order does not reveal as to what is the basis for rejecting the pleas raised by the petitioner. The order does not even deal with any of the contentions and is very cryptic.

4. In view of the fact that the order is cryptic and does not assign any reason for rejecting the appeal of the petitioner, the order on this technical ground alone is liable to be set aside.

5. Since the order cannot be sustained on this technical ground, I am refraining from examining the merits of the contentions of either of the parties and hereby set aside the order on this technical ground.

6. The impugned order dated 30.01.2017 is set aside. The matter is remitted to the Appellate Authority to pass a reasoned speaking order dealing with the contentions of the petitioner.

7. In case the Appellate Authority comprises of the same officers, who had heard the petitioner, no fresh opportunity of hearing need be granted by the Appellate Authority unless the Appellate Authority is of the view that further hearing is required. In case the officers comprising the Appellate Authority have changed, the petitioner would be afforded a fresh opportunity of hearing. The Appellate Authority shall pass a reasoned speaking order as expeditiously as

possible, preferably, within a period of four weeks from today.

8. The writ petition is, accordingly, disposed of in the above terms.

9. Needless to state that the petitioner would be at liberty to avail all such remedies, as may be available in law, in case, the petitioner is aggrieved by any order passed by the Appellate Authority.

10. It is clarified that this Court has neither examined nor expressed any view on the merits of the contentions of either parties.

11. Order *Dasti* under the signatures of the Court Master.

MAY 23, 2017
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SANJEEV SACHDEVA, J