

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA No. 522 of 2016 (O&M)
Decided on : 03.12.2018**

Punjab State Power Corporation Limited and others

. . . Appellant(s)

Versus

Nihal Singh and others

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. Rajiv Malhotra, Advocate
for the Appellant(s).

Mr. Pankaj Jain, Advocate
for the respondent(s).

AJAY KUMAR MITTAL, J. (Oral)

CM No. 1138-LPA of 2016

This is an application under Section 5 of the Limitation Act, 1963,
seeking condonation of delay of 51 days in filing the Letters Patent Appeal.

Notice of this application was issued.

After hearing learned counsel for the parties, perusing the contents of
the application, which is supported by an affidavit, the delay of 51 days in filing
the Letters Patent Appeal, is hereby condoned.

CM stands disposed of.

LPA No. 522 of 2016 (O&M)

The appellant – Punjab State Power Corporation Limited (formerly
known as the Punjab State Electricity Board) has impugned the judgment dated
12th January, 2016, passed by the learned Single Judge in CWP No. 457 of 2016
by way of present Letters Patent Appeal filed under Clause X of the Letters Patent.

2. The primary grievance of the appellants is that the learned Single
Judge on the first date of hearing itself without issuing any notice or seeking

response of the appellants had allowed the writ petition with costs of ₹ 25,000/-. It

was claimed that the same was done without following the principles of natural justice, as the same had been passed without affording any opportunity of hearing to the appellant(s). The claim of the respondents/petitioners was sought to be assailed by way of certain regulations.

3. The Apex Court in *Canara Bank v. V.K. Awasthy, AIR 2005 SC 2090*, while dealing with the doctrine of principles of natural justice had noticed as under:-

“8. Natural justice is another name for commonsense justice. Rules of natural justice are not codified canons. But they are principles ingrained into the conscience of man. Natural justice is the administration of justice in a commonsense liberal way. Justice is based substantially on natural ideals and human values.

9. The expressions “natural justice” and “legal justice” do not present a water-tight classification. It is the substance of justice which is to be secured by both, and whenever legal justice fails to achieve this solemn purpose, natural justice is called in aid of legal justice. Natural justice relieves legal justice from unnecessary technicality, grammatical pedantry or logical prevarication. It supplies the omissions of a formulated law. As Lord Buckmaster said, no form or procedure should ever be permitted to exclude the presentation of a litigants' defence.

10. The adherence to principles of natural justice as recognized by all civilized States is of supreme importance when a quasi-judicial body embarks on determining disputes

between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as *audi alteram partem* rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should appraise the party determinatively the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the "Magna Carta". The classic exposition of Sir Edward Coke of natural justice requires to "vocate interrogate and adjudicate". In the celebrated case of *Cooper v. Wandsworth Board of Works*, (1963) 143 ER 414, the principle was thus stated:

"Even God did not pass a sentence upon Adam, before he was called upon to make his defence. "Adam" says God, "where art thou has thou not eaten of the tree whereof I commanded thee that though should not eat".

Since then the principle has been chiselled, honed and

refined, enriching its content. Judicial treatment has added light and luminosity to the concept, like polishing of a diamond.

11. Principles of natural justice are those rules which have been laid down by the Courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice.”

4. In such a situation, without entering into the merits of the controversy, we set aside the order dated 12th January, 2016, passed by the learned Single Judge and remit the matter back to the learned Single Judge to follow the principles of natural justice and decide the same afresh after affording an opportunity of hearing to the parties, in accordance with law.

5. No separate orders are required to be passed in the civil miscellaneous applications filed along with the appeal and the same also stand disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

December 03, 2018

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No