

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

**LPA-1903-2018 (O&M)
Date of Decision: December 17, 2018**

Kewal Krishan and others

...Appellants

Versus

Financial Commissioner, Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.**

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Vikas Bahl, Senior Advocate, with
Mr. Kashish Garg, Advocate, and
Mr. Akshay Rawal, Advocate,
for the appellants.

Mr. Shreeish Gupta, Sr. DAG, Punjab,
for respondent Nos. 1 to 4.

Mr. Ravish Bansal, Advocate,
for respondent No. 5.

Mr. Abhishek Singla, Advocate,
for respondent Nos. 6 to 21.

KRISHNA MURARI, C.J. (ORAL)

Notice of motion.

Mr. Shreeish Gupta, Sr. DAG, Punjab, Mr. Ravish Bansal,
Advocate, and Mr. Abhishek Singla, Advocate, present in Court, accept
notices on behalf of respondents No. 1 to 4; respondent No. 5; and
respondents No. 6 to 21 respectively.

Heard learned counsel for the parties and with their consent
the appeal is being finally disposed of.

The sole ground which has been urged before us in support of the appeal is that the learned Single Judge passed the impugned order, allowing the writ petition, without issuing notice of motion to the appellants herein, by means of an *ex parte* order, dated 02.05.2018.

This factual position is not being disputed either by learned Senior Deputy Advocate General appearing for the State of Punjab, and Mr. Ravish Bansal & Mr. Abhishek Singla, learned counsel for the private respondents.

Once this is an admitted position of fact that the order impugned in this case has been passed without affording an opportunity of hearing, the same cannot be sustained being violative of the principles of natural justice.

Accordingly, the impugned judgment and order dated 02.05.2018, rendered by the learned Single Judge is set aside and the appeal accordingly stands allowed. The matter is remitted back to the learned Single Judge to decide the same afresh on merits after notice and opportunity to the appellants.

The parties may appear before learned Single Judge through their counsel on 10.01.2019.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

December 17, 2018

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO