

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

135

Civil Writ Petition No.25404 of 2019
Date of Decision: September 18th, 2019

Amisha Singh and another

...Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjiv Gupta, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Notice of motion.

2. On the asking of the Court, Mr. T.P.S. Chawla, Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 5.

3. Mr. Sherry K. Singla, Advocate, who is present in Court, accepts notice on behalf of respondents No.6 to 13.

4. Challenge in this writ petition is to the order dated 30.08.2019 (Annexure P-10) passed by the Financial Commissioner (Appeals), Punjab, whereby in a revision petition preferred by private respondents, *ex parte* stay has been granted by the Financial Commissioner on 30.08.2019 without issuing notice to the respondent.

5. Perusal of the said order would show that the notice of the said application has not been issued to the respondent, however, it transpires that the Financial Commissioner, Punjab, has listed the case for hearing on 12.12.2019 for pre hearing.

6. Let the petitioners highlight the aspects as in the present writ petition by filing application before the Financial Commissioner, Punjab, within a period of one week from today, who shall prepone the hearing of the revision petition and decide the application and the matter

regarding stay apart from the plea with regard to the non-maintainability of the revision petition as raised by the petitioners in Court today apart from the other pleas in the writ petition and pass a speaking order there on within a period of three weeks.

7. Parties are directed to appear before the Financial Commissioner, Punjab, on 03.10.2019 at 10:00 AM.

8. With these observations, the writ petition stands disposed of.

9. It is clarified, however, that the Court has not gone into the merits of the case at all and this order has been passed keeping in view the fact that the case is an old one and the warrants of possession have already been issued and the matter is pending before the Financial Commissioner.

10. It is further stated that any observation by this Court will have no bearing whatsoever on the decision to be taken by the Financial Commissioner.

September 18th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No