

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

CWP-23683-2017

Date of decision : 05.02.2020

L N Gandhi

....Petitioner

V/s

Financial Commissioner cum Principle Secretary Huda & ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Jagdish Manchanda, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana.

Mr. R.D. Bawa, Advocate with
Mr. Samuel Gill, Advocate for respondents no. 2 & 3.

RAJAN GUPTA J. (ORAL)

Petitioner *inter alia* has challenged the order dated 16.08.2017, Annexure P-26 passed by Principal Secretary to Govt. of Haryana, Town & Country Planning Department. Operative part of the order reads as under:-

“4. I have heard the parties at length and gone through the record of the case. The petitioner while filling the present Revision Petition has not mentioned any provision of the HUDA Act where under the same has been filed. Since the revision petition before the Revisional Authority only lies against the order of the appellate authority passed under Section 17(5) of the HUDA Act which is not the position in the present case, I deem it appropriate to agree with the contentions of the HUDA counsel and hereby order to dismiss the present Revision Petition. The petitioner may avail appropriate legal remedy against the impugned speaking order dated 23.12.2014.

After hearing the arguments on 12.07.2017, the orders were reserved.”

It has been vehemently contended by counsel for the petitioner that revision before the authority is maintainable. According to him, excess amount has been demanded from the petitioner. He shall produce a calculation sheet before the revisional authority to prove this contention.

In view of this stand, we propose to remit the case to the same authority for decision afresh. Mr. Bawa, learned counsel appearing for respondents no. 2 & 3 has no objection to this.

Under the circumstances, impugned order dated 16.08.2017, Annexure P-26 is hereby set-aside. Matter is remitted to same authority for decision afresh after affording opportunity of hearing to the parties. Decision be taken expeditiously, preferably within a period of three months.

Disposed off.

(RAJAN GUPTA)
JUDGE

February 05, 2020
Ajay

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No