

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

**CWP-905-2021 (O&M)
Date of Decision:25.01.2021**

Dhoom Singh & another

... Petitioners

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. APS Sandhu, Advocate for the petitioners.

Mr. Sharan Sethi, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Challenge in the instant petition is to the order dated 16.12.2020 (Annexure P-16) passed by the 4th respondent i.e. the Financial Commissioner, Revenue, Haryana, thereby dismissing in default an application for review.

The instant petition had come up for hearing on 14.01.2021 and whereby counsel had even adverted to a previous order dated 19.02.2020 at Annexure P-4 and had contended that no such application for review was even pending before the Court and as such, the impugned order dated 16.12.2020 (Annexure P-16) cannot sustain.

On the pervious date of hearing, learned State counsel had been requested to complete instructions as regards such anomalous situation and to reconcile passing of the order dated 16.12.2020 (Annexure P-16) as also

the previous order dated 19.02.2020 (Annexure P-4).

Mr. Sharan Sethi, learned Additional Advocate General, Haryana on instructions from Mr. Navneet Singh, DDA, O/o Financial Commissioner, Revenue very fairly states that the order under challenge dated 16.12.2020 (Annexure P-16) has been erroneously passed.

A very fair stand is taken on behalf of the State that the order dated 16.12.2020 (Annexure P-16) be set aside and the main case be listed for hearing on merits before the Financial Commissioner, Revenue, Haryana.

In view of the above, writ petition is allowed. Order dated 16.12.2020 (Annexure P-16) is set aside.

The main case is directed to be listed before the Financial Commissioner, Revenue, Haryana expeditiously and in any event within a period of six weeks from today. Parties would be duly informed with regard to the date of hearing. The final decision in the matter would thereafter be taken within a period of eight weeks from the date of hearing that may be so fixed and conveyed to the parties.

Disposed of.

It is, however, clarified that this Court has not examined the case on merits.

25.01.2021

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | |
|-------------------------------|--------|
| i) Whether speaking/reasoned? | Yes/No |
| ii) Whether reportable? | Yes/No |