

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

CWP-10245-2023
Date of Decision:-11.05.2023

Orcolus East Pvt. LtdPetitioner

Vs.

Union of India and others.Respondents

**CORAM:- HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Chetan Jain, Advocate
for the petitioner

Ritu Bahri, J. (Oral)

The present petition is for setting aside order dated 27.05.2021 (Annexure P-5) passed by Proper Officer, Gurugram and Appellate Order dated 23.01.2023 (P-8) passed by the Appellate Authority, Faridabad Haryana whereby appeal filed by petitioner, has been dismissed on the ground that the petitioner has failed to submit certified copy of impugned order.

Learned counsel for the petitioner further submits that the impugned order has been passed without giving opportunity of hearing to the petitioner.

Issue notice of motion.

On asking of the Court, Mr. Sharan Sethi, Addl.A.G. Haryana, accepts notice on behalf of respondent-State.

This issue has already been examined by this Court in CWP No. 24845-2022, decided on 13.02.2023, which was allowed by observing that the impugned orders were already uploaded on the common portal and were already part of the appeal and it would amount to substantial

compliance of Rule 108 of HGST Rules, 2017. This judgment was subsequently followed in CWP No. 6673-2023, decided on 29.03.2023.

Keeping in view the fact that now the provision of certified copy of the decision or order appealed has now been done away with, as per memo dated 24.02.2023 and this memo has been reiterated to the First Appellate Authorities, the present petition is also allowed and order dated 27.05.2021 (Annexure P-5) and 23.01.2023 (Annexure P-8) are set aside. A direction is given to the Appellate Authority to decide the appeal on merits, expeditiously, after taking into consideration the photocopy of the impugned order.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

11.05.2023
G Arora

<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No