

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-17153-2019(O&M)
Date of decision : 16.01.2023

Munshi Singh

... Petitioner

Versus

Financial Commissioner (Appeal) Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.N.S.Sodhi, Advocate
for the petitioner.

Mr.Rohit Ahuja, DAG, Punjab
for respondents no.1 to 4.

Mr.L.S.Virk, Advocate
for respondent no.5.

Mr.A.K.Khunger, Advocate
for respondent no.44.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ or order in the nature of certiorari for quashing the order dated 30.05.2019 passed by the Financial Commissioner Revenue Appeal vide which interim stay order dated 08.04.2019 has been vacated. Other prayers have also been made in the petition.

On 28.06.2019, coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner, inter alia, contends that during pendency of the proceedings before the Learned Financial Commissioner Revenue, interim stay was granted in

favour of the petitioner. However, on an application moved by one Mehar Singh-respondent No.5, the case was taken up by Learned Financial Commissioner Revenue and stay granted in favour of the petitioner was vacated ex parte without serving any notice of the application on the petitioners vide impugned order dated 30.05.2019 (Annexure P-1).

Notice of motion, returnable for 22.07.2019.

In the meanwhile, status quo regarding the stay order dated 08.04.2019 (Annexure P-6) passed by learned FCR shall be maintained till the next date of hearing.

28.06.2019 (ARUN MONGA)
JUDGE”

Learned counsel for the petitioner and contesting respondent no.5 have submitted that the main case is still pending before the Financial Commissioner and the same is listed in the month of April, 2023 and pray that the present petition be disposed of with a direction to respondent no.1-Financial Commissioner (Appeal) Punjab to decide the case as expeditiously as possible preferably within a period of five months from today. It is further submitted by learned counsel for the petitioner that the status quo order which has been granted by the coordinate Bench of this Court on 28.06.2019 be continued till the decision of the case before the Financial Commissioner.

Learned counsel for respondent no.5 has stated that grant of order of status quo should not be construed as an expression on the merits of the case and the Financial Commissioner should consider and decide the case, in accordance with law. It is further pointed out that pleadings are complete and the case is for arguments.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.1-Financial Commissioner (Appeal) Punjab to decide the ROR no.668 of 2018 as

expeditiously as possible preferably within a period of five months from the date of receipt of the certified copy of the present order. Till the decision of ROR no.668 of 2018 is not rendered, interim order dated 28.06.2019 passed by the coordinate Bench of this Court shall be maintained.

It is made clear that this Court has not considered the merits of the main dispute between the parties and respondent no.1 would decide the case after considering the merits of the case, in accordance with law.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

January 16, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No