

2023:PHHC:085520-DB
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CWP-16877-2022
Date of Decision : **July 7, 2023**

GRADIENT BUSINESS CONSULTING PVT. LTD.

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Tajeshwar Singh, Advocate for the petitioner.
Mr. Saurabh Mago, AAG, Haryana.

SURESHWAR THAKUR. J.(Oral)

1. At this stage, learned counsel for the petitioner has argued that though the appellate jurisdiction became vested in the Principal Secretary to the Government of Haryana, Department of Mines and Geology, Haryana, yet the said jurisdiction was untenably exercised by the Director, Department of Mines and Geology, Haryana. Therefore, the order in appeals, as became passed by the latter is beyond the jurisdictional competence of the Director, Department of Mines and Geology, Haryana.

2. However, at this stage, the learned State counsel on instructions imparted to him by the authorized Officer submits, that the order made by the Director, Department of Mines and Geology, Haryana shall be recalled forthwith, and further states on instructions, that the decision on the apposite appeals, shall be taken by the Secretary, Government of Haryana, Department of Mines and Geology, Haryana who under the relevant statutory provisions became vested with the appellate jurisdiction.

3. The above submission is accepted by the learned counsel for the petitioner.

4. Consequently, the writ petition is disposed of, and, the impugned order dated 7.7.2022 is quashed. However, a direction is issued to the Secretary, Government of Haryana, Department of Mines and Geology, Haryana to make a valid speaking decision, but within six weeks from today thus on the relevant statutory appeals. However, the said decision shall be made only after inviting the participation therein of the present petitioner. During the pendency of the appeals, if any application for interim relief is cast, thereupon the appellate authority may pass such an order as deemed fit.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 7, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No