

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

**CM-1806-CWP-2023 in/and
CWP-15538-2018 (O&M)**

Date of Decision: 14th March, 2023

Hardial Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Nisha Rana, Advocate for the petitioner.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

CM-1806-CWP-2023

1. This is an application for restoration of the main petition.
2. For the reasons recorded in the application, the same is allowed and the main case is restored to its original number.
3. With the consent of parties, the main case is taken up on Board for hearing today itself.

Main case

4. This writ petition is filed seeking quashing of orders dated 27.10.2017 and 1.5.2018 cancelling the licence of the petitioner for running the ration depot and dismissing the appeal respectively.
5. Brief facts are that the petitioner was granted licence to run the ration depot in village Bhurangpur, Tehsil and District Ambala. To inquire into complaint made by OPH Card holder (Other Priority Households), a team was constituted. On the basis of the enquiry report, licence of the

petitioner was cancelled on 27.10.2017 and appeal filed was dismissed on 1.5.2018. Hence, the present petition.

6. Learned counsel for the petitioner submits that order cancelling the licence is non-speaking. The reply filed by the petitioner was not considered.

7. Learned State Counsel defends the impugned orders.

8. The order dated 27.10.2017, cancelling the licence is bereft of reasons. The reply filed by the petitioner was not dealt with and brushed aside by stating it is not satisfactory.

9. The law is well settled that conclusion arrived at by *quasi judicial* authority must be supported by reasons and these should be communicated to the effected parties. The Supreme Court in **M/ s Kranti Associates Pvt. Ltd. & another v. Sh. Masood Ahmed Khan and others, 2010(9) SCC 496**, after considering the law on the issue summed up as under:

51. Summarising the above discussion, this Court holds:

a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

b. A quasi-judicial authority must record reasons in support of its conclusions.

c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.

f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

g. Reasons facilitate the process of judicial review by superior Courts.

h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.

i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

j. Insistence on reason is a requirement for both judicial accountability and transparency.

k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.

m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harward Law Review 731-737).

n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya v. University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".

10. The impugned orders are set aside being violative of principle of natural justice and the matter is remanded back to the District Food and Supply Controller, Ambala for deciding the issue afresh. Petitioner is directed to appear in the office of District Food and Supply Controller, Ambala on 10th April, 2023 at 11:00AM.
11. Petition is dispsosed of.
12. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

14th March, 2023
anuradha

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