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

CWP-30283-2022

Date of decision : 12.01.2023

BCH Electric Limited

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. V.K. Jindal, Sr. Advocate with
Mr. Amit Arora, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana,
for respondent Nos.1 and 5.

Mr. B.R. Mahajan, Sr. Advocate with
Ms. Nikita Goel, Advocate for respondent Nos.2 to 4.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing/setting aside the impugned order dated 07.02.2019 (Annexure P-1) passed by the Commissioner, Faridabad as well as quashing of the orders dated 09.12.2020 (Annexure P-25) and 09.06.2022 (Annexure P-28) passed by the Financial Commissioner, Haryana.

On 04.01.2023, this Court had passed the following order:-

“Learned senior counsel for the petitioner has made a limited prayer in the present petition to the effect that the order

dated 09.12.2020 vide which revision petition filed by the petitioner against the order dated 07.02.2019 has been dismissed in default on account of the counsel for the petitioner not being present, be set aside and the said revision petition be adjudicated on merits after hearing counsel for the petitioner.

Notice of motion.

Ms.Upasana Dhawan, AAG, Haryana, appears and accepts notice on behalf of respondent no.1.

Liberty is granted to the petitioner to serves respondents no.2 to 4 through dasti process also.

Notice re: stay.

Adjourned to 12.01.2023.

To be taken up after the urgent matters.”

In pursuance of the abovesaid order, learned Senior Counsel has appeared on behalf of respondent Nos.2 to 4 and has stated that in case, the petitioner shows his bona fide and deposits 1/4th of the disputed amount and argues the matter on merits before the Revisional Authority within a period of one month from today, then, they have no objection for setting aside order dated 09.12.2020 (Annexure P-25) and re-hearing of the matter on merits.

Learned Senior Counsel for the petitioner has stated that the petitioner would deposit 1/4th of the disputed amount with the Municipal Corporation, Faridabad within a period of two weeks from today and would argue the matter on the date fixed before the Revisional Authority.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is partly allowed with the following directions:-

- 1) Order dated 09.12.2020 (Annexure P-25) is set aside and the

Revisional Authority is directed to decide the case on merits.

- 2) The petitioner is directed to deposit 1/4th of the disputed amount within a period of two weeks from today with the Municipal Corporation, Faridabad.
- 3) The parties would appear before the Revisional Authority on 23.01.2023 and would argue the matter on the date given by the said authority.
- 4) The Revisional Authority is directed to decide the revision of the petitioner on merits as expeditiously as possible preferably within a period of one month from the date the parties appear before the authority.

It is made clear that in case, the petitioner does not comply with the abovesaid conditions, then the present Civil Writ Petition would be deemed to have been dismissed.

12.01.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No