

118+119+125

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) RA-CW-82-2024 (O&M) in
CWP-2624-2024

Mukesh..... Petitioner

Versus

State of Haryana and others.....Respondents

(2) RA-CW-83-2024 (O&M) in
CWP-2631-2024

Mukesh..... Petitioner

Versus

State of Haryana and others.....Respondents

(3) RA-CW-86-2024 (O&M) in
CWP-2628-2024

Mukesh..... Petitioner

Versus

State of Haryana and others.....Respondents

Date of Decision:05.03.2024

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikram Singh, Advocate, for the applicant-petitioner.

Rajesh Bhardwaj, J. (ORAL)

CM-3794-CWP-2024 in RA-CW-82-2024;
CM-3795-CWP-2024 in RA-CW-83-2024; and
CM-3802-CWP-2024 in RA-CW-86-2024

Allowed as prayed for. Annexure A-1 in all the applications is placed on record.

Review applications

This order will dispose of all the above-mentioned three review applications, as the same have arisen out of a common impugned order.

Prayer in the present applications is for reviewing the order

dated 06.02.2024.

Learned counsel for the applicant-petitioner has, *inter alia*, contended that the present review applications have been filed on the ground that the impugned orders passed by the Financial Commissioner are contrary to the record of the case. He has submitted that the petitioner filed appeals on 02.07.2019 against the Sanad Takseem etc. thus, finding of learned Financial Commissioner that there was a delay of four years in filing the appeals, is totally against the record of the cases. He submits that though these orders have also been affirmed by this Court, but it is apparent from the record that the impugned orders have been passed contrary to the evidence available on record. He further submits that review petitions are liable to be accepted and the main petitions be restored to its original number and the petitioners be also allowed to withdraw the main petitions to enable him to file reviews before the Financial Commissioner as the impugned orders are based on incorrect facts. In support of his contentions, he has referred to the copies of the zimini order placed on record.

Notice in the applications to the official respondents only.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

After hearing learned counsel for the parties and in the peculiar facts and circumstances of the present cases, it is apparent that the findings of Financial Commissioner that there was a delay of four years in filing the appeals appears to be factually incorrect being contrary to the record of the case. So the order dated 06.02.2024 is recalled. The main petitions are restored to its original number and are taken up on board today itself.

Review applications are allowed.

CWP-2624-2024; CWP-2631-2024; and
CWP-2628-2024

In view of the submissions made in the aforesaid application, the present petitions are dismissed as withdrawn with liberty to the petitioner to file review petition before the Financial Commissioner. The learned Financial Commissioner would decide the review applications to be, filed, in accordance with the law.

05.03.2024
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No