

CWP-7133-1999

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-7133-1999

Date of decision:16.10.2024

VIJAY KUMAR SINGLA

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashish Grover, Advocate
for the petitioner.

Mr. Brijesh, AAG, Punjab,
for respondents No.1 & 2.

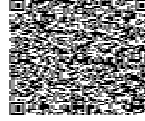
Ms. Navnika Tuteja, Advocate for
Mr. Ankush Singla, Advocate for respondent No.3.

None for respondents No.4 & 5.

SUVIR SEHGAL, J.

1. By way of present writ petition filed under Articles 226/227 of the Constitution of India, petitioner has approached this Court *inter alia* for issuance of a writ in the nature of certiorari for quashing impugned award dated 20.01.1997 and appellate as well as revisional orders dated 30.04.1998 and 22.12.1998, Annexures P-1 to P-3, passed by the official respondents.

2. Shorn of details, suffice is to notice that there was a dispute between the Society, respondent No.4, and one of its members, respondent No.5, over default in refund of the loan amount. Arbitral proceeding was



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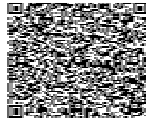
initiated by respondent No.4 and during its pendency, respondent No.5 produced a receipt dated 12.05.1979 and took a stand that she had repaid the balance loan amount of Rs.1220/- to Sh. Ramji Dass, the then Secretary of the Society, who unfortunately expired in 1991. Petitioner being one of the legal representatives of the deceased Secretary was impleaded as a party to the arbitral proceeding and impugned award, Annexure P-1, was passed against him for recovery of Rs.8,802/- alongwith interest. Petitioner remained unsuccessful in appeal and revision, which were rejected vide impugned orders, Annexures P-2 and P-3.

3. I have heard counsel for the parties and considered their respective submissions, besides examining the documents brought on the record.

4. Without examining the arguments addressed by counsel for the parties on merits, this Court is of the view that the petition deserves to be remanded to the Revisional Authority as it is not supported by any reason. It is apposite to notice the order, Annexure P-3, passed by the Revisional Authority, which is reproduced hereunder:-

“Heard. The main grounds of the revision are that it is a stale case for reference to a dispute under the Act and original receipts has not been shown to the Arbitrator.

The facts remains that the amounts have been given to the Secretary by the respondent No.3 and the same has not been deposited by Sh. Ramji Dass Singla to the Society. The Arbitrator has given a well reasoned



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award which I would not like to disturb. Accordingly, I dismiss this revision petition in limine.

Order reserved on 17.11.1998 is announced today.

Be communicated.”

5. A perusal of the above reproduced order shows that the Revisional Authority has proceeded to dismiss the petition at the threshold without even noticing the submissions made on behalf of the petitioner. The findings recorded by the Appellate Authority have been endorsed without applying an independent mind to the facts of the case. A Revisional Authority being a quasi judicial authority, is bound to record reasons, howsoever brief, which exhibit an independent application of mind to the facts and the arguments addressed by the parties. Mere reiteration of the conclusion drawn by the authorities below, without assigning any reason, is gross violation of the principles of natural justice. As the revisional order is sans any reasoning, it cannot be sustained.

6. The writ petition is disposed of, impugned revisional order, Annexure P-3, is set aside and the matter is remitted to the Revisional Authority for decision afresh, on merits, after hearing the parties.

7. Parties are directed to appear before the Revisional Authority, Bathinda, on 05.12.2024, at 10:00 A.M. for further proceedings in accordance with law.

16.10.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No