

**CWP-6318-2024**

**-1-**

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

**(102)**

**CWP-6318-2024**

**Date of decision:- 09.05.2024**

**Gafondi**

**...Petitioner**

**Versus**

**State of Haryana and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

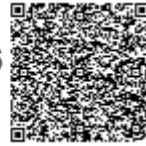
Present:- Mr. Bhisham Kumar Majoka, Advocate  
for the petitioner.

...

**SUVIR SEHGAL, J. (Oral)**

1. By way of present writ petition filed under Article 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 order dated 12.10.2022, Annexure P-11, and order dated 07.11.2023, Annexure P-14, passed by respondents No. 3 and 2, respectively, by which, PDS License was cancelled and surety deposited by her, was ordered to be forfeited.

2. Counsel for the petitioner submits that petitioner had a Ration Distribution Depot at Raniyala Khurd, Tehsil Hathin, District Palwal, which she was running for the last more than one and a half decade. He

**CWP-6318-2024****-2-**

submits that on the basis of a politically motivated complaint, her premises were inspected in the year 2021, but the complaint was found to be false. He submits that in August, 2022, another complaint was given to the District Public Relations and Grievance Committee and in a meeting held on 26.08.2022, under the Chairmanship of a Cabinet Minister, respondent No.3 was asked to cancel her license, who passed impugned order, Annexure P-11. Counsel submits that petitioner remained unsuccessful in appeal filed by her, which was rejected by impugned order, Annexure P-14. He has contended that District Public Relations and Grievance Committee had no authority to recommend cancellation of the license. Another argument has been raised by him that Appellate Authority has dismissed the appeal without passing a speaking order.

3. Notice of motion.

4. On asking of the Court, Mr. Aman Bahri, Additional Advocate General, Haryana, accepts notice on behalf of the respondents. He has supported the action taken against the petitioner as well as orders under challenge.

5. I have heard counsel for the parties and considered their respective submissions.

6. The operative part of the order, Annexure P-14, passed by the Appellate Authority deserves to be noticed and is reproduced as under:-

*“After hearing both the parties and observing*

**CWP-6318-2024****-3-**

*the original investigation file and agreeing with the points given by the respondent's representative during the arguments, I accept the order under appeal passed by the District Food and Supplies merit in the appeal. Therefore the appeal of the appellant is dismissed. Case file may confine in record room.*

*This order was pronounced in open Court on 07.11.2023.”*

7. A perusal of the above reproduced order shows that the order is bereft of any reason. After noticing the respective stands of the parties as well as the arguments addressed by them, the Appellate Authority has simply endorsed the order of the Licensing Authority without assigning any reason whatsoever. Appellate Authority is a Quasi Judicial Authority and it is essential for it to pass an order with cogent reasons in its support. Supreme Court in ***M/s. Kranti Associates Pvt. Ltd. and another Versus Sh. Masood Ahmed Khan and others, 2010 (9) SCC 496***, has held that 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. It has been held that an order affecting the rights of the parties must be self-speaking. As the order, Annexure P-14, passed by the Appellate Authority sans reasons, it cannot be sustained on this short ground.



CWP-6318-2024

-4-

8. In view of the above discussion, impugned appellate order, Annexure P-14, is set aside and the matter is remitted to respondent No.2 to decide it afresh by passing a reasoned order after hearing the parties.
9. Petition is disposed of.
10. Parties are directed to appear before the Deputy Commissioner, Palwal – respondent No.2, on 25.06.2024, at 10.00 a.m., for further proceedings in accordance with law.

(SUVIR SEHGAL)  
JUDGE

09.05.2024  
Pardeep

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes    |
| Whether Reportable        | Yes/No |