

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

**CWP No.9256 of 2024
Date of Decision: 24.04.2024**

Manjit Singh
..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and another
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for setting aside the impugned order dated 15.03.2024 (Annexure P-1) passed by respondent No.1 vide which the application for restoration of ROR has been dismissed being wrong, illegal and arbitrary.

It has been submitted by learned counsel for the petitioner that the petitioner has filed the revision bearing ROR No.656 of 2023 before the Court of learned Financial Commissioner. He has submitted that due to unavoidable circumstances, counsel for the petitioner could not appear and thus the case was dismissed in default for want of presence and non prosecution vide order dated 01.03.2024. He submits that immediately thereafter counsel for the petitioner filed an application for restoration of the revision on 04.03.2024 and the same was heard on 15.03.2024. He submits that without considering the submissions made

therein, the learned Financial Commissioner has dismissed the application filed by the petitioner and thus, declined to restore the revision. He submits that the revision filed by the petitioner has not been decided on merits and thus, the petitioner would suffer an irreparable loss and injury. He undertakes that if the petition is restored, he would duly appear before the learned Financial Commissioner and argue the case.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab appears and accepts notice on behalf of the respondents-State.

Heard.

On hearing learned counsel for the parties and perusing the record, it is apparent that the revision i.e. ROR No.656 of 2023 filed by the petitioner was dismissed for non prosecution on 01.03.2024. There is no gainsaying that the revision filed by the petitioner has not been decided on merits. In the interest of justice, the revision bearing ROR No.656 of 2023 is restored to its original number. However the impugned order dated 15.03.2024 is hereby set aside. The learned Financial Commissioner, Punjab would issue notice to the parties and proceed with the case and decide the same on merits expeditiously in accordance with law. Needless to say that the petitioner would not prolong the hearing of the case.

(RAJESH BHARDWAJ)
JUDGE

24.04.2024

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