



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

LPA No.536 of 2020 (O&M)

Date of Decision: 11.11.2024

Ashok Kumar Dhall and others

.....Appellants.

Versus

State of Punjab and others

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. Salina Chalana, Advocate
 for the appellants.

Ms. Arundhati Kulshreshtha, AAG, Punjab
for respondents No.1 to 3.

Mr. Akshay Bhan, Senior Advocate with
Mr. Shantanu Bansal, Advocate
for respondents No.4 to 7.

G.S. SANDHAWALIA, J.(Oral)

CM No.1528-LPA of 2021

This application under Section 151 CPC has been moved on behalf of the applicants-appellants for seeking permission to place on record the documents Annexures A-4 and A-5.

The application is allowed and the above-said documents are taken on record.

LPA No.536 of 2020

The present Letters Patent Appeal is directed against the order



dated 27.07.2020 passed by the learned Single Judge in **CRWP No.5265 of 2020** titled as '**Vimal Kumar Dhall and others Vs. State of Punjab and others**', filed by respondents No.4 to 7 herein.

2. While disposing of the afore-mentioned petition vide the impugned order, the learned Single Judge had directed the Competent Authority to examine all the issues raised in the complaint and make a reference to the Enquiry Report dated 30.09.2019 (Annexure P-5) and to proceed in accordance with law, while hoping that in case the parties, which are stated to be related to each other, agree for an amicable settlement, may record their statement or else take appropriate action, as per the Enquiry Report against the persons found to be *prima-facie* accused, in accordance with law.

3. The above-said order dated 27.07.2020 was stayed by the Co-ordinate Bench on 28.08.2020, while noting that the Court had been approached for seeking protection of life and liberty and the police had been directed to look into the matter and file a status-report due to wrong translation of Annexure P-5.

4. A perusal of the writ petition would go on to show that it is not a simpliciter case of protection of life and liberty but also *inter-se* dispute regarding the holding of the equity shares of the company. However, without going into the merits of the case, we are of the considered opinion that the learned Single Judge, apparently, passed the impugned order without even calling for the pleadings to be completed and without granting the appellants an opportunity to file their reply regarding the issue in question.



5. Vide order dated 28.08.2020, the Co-ordinate Bench had also noticed the fact that the NCLT was also seized of the whole issue as it was a case of management of business interest. In such circumstances, we are of the considered opinion that the order of the learned Single Judge suffers from infirmity to this extent that at least, the principle of natural justice should not have been violated and the appellants should have been given an opportunity to file their reply to contest the proceedings before passing any order.

6. More so, perusal of the reports dated 19.09.2019 (Annexure A-4) and 09.06.2020 (Annexure A-5), which has, now, been placed on record, shows that the matter was investigated by the police and the appellants as well as the private respondents had been advised to raise their issue before the Civil Arbitration. Had the necessary exercise been carried out by completion of pleadings on this aspect including the reply on behalf of the respondent-State, the fact would have come on record and the directions, which have, now, been issued, might not have been issued. Therefore, if any direction had to be issued by the learned Single Judge, it could only have been done on the basis of the complete factual matrix to be placed before the learned Single Judge. In such circumstances, on the sole ground of violation of the principles of natural justice and not adhering to the prescribed principle, the present appeal is liable to be allowed.

7. Accordingly, the present appeal is, hereby, allowed and the impugned order dated 27.07.2020 passed by the learned Single Judge is set-aside. The matter is remanded to the learned Single Judge and the parties

shall appear there on 08.01.2025. All pending Civil Misc. Applications also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

November 11, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No