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

CWP-31573-2024 (O&M)
Date of Decision: 22.11.2024

Mohan

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ashok Kaushik, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for quashing the order dated 07.11.2024 (Annexure P-4), passed by respondent No.2 (Financial Commissioner, Haryana).

2. Learned counsel for the petitioner submits that the impugned order dated 07.11.2024 (Annexure P-4) is a totally non-speaking order as no reasoning has been mentioned therein, as to why, the stay granted in favour of the petitioner vide an earlier order dated 01.08.2024 (Annexure P-3) has not been extended.

3. Learned counsel for the respondent/State has been unable to refute the aforesaid assertion made by learned counsel for the petitioner.

4. It is well settled that every order passed by a public authority/quasi judicial authority should be a reasoned order. It is also well settled that reasons are the heart and soul of an order. Hon'ble the Supreme



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Court in the case of *“M/s Steel Authority of India Ltd. Versus Sales Tax Officer, Rourkela-1 Circle and others”*, reported as 2009 (Sup) AIR (Supreme Court) 561 has observed as under :-

“10. Reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same it becomes lifeless. (See Raj Kishore Jha v. State of Bihar 2003 (11) SCC 519).

11. Even in respect of administrative orders Lord Denning, M.R. in Bree v. Amalgamated Engg. Union (1971) 1 All ER 1148, observed: “The giving of reasons is one of the fundamentals of good administration.” In Alexander Machinery (Dudley) Ltd. v. Crabtree 1974 ICR 120 (NIRC) it was observed: “Failure to give reasons amounts to denial of justice.” “Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at.” Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the “inscrutable face of the sphinx”, it can, by its silence, render it virtually impossible for the courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system; reasons at least sufficient to indicate an application of mind to the matter before court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made; in other words, a speaking-out. The “inscrutable face of the sphinx” is ordinarily incongruous with a judicial or quasi-judicial performance.”

5. In view of the aforementioned facts and circumstances, the order dated 07.11.2024 (Annexure P-4), passed by respondent No.2

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(Financial Commissioner, Haryana) is unsustainable in the eyes of law and the same is accordingly set aside and the matter is remitted to the learned Financial Commissioner for passing a speaking order on the stay application filed by the petitioner along with the revision petition, after giving due opportunity of hearing to the parties concerned. It is directed that till the time the aforesaid stay application is pending, the parties shall maintain status quo as regards the property in question.

6. In view of the above, the present petition is disposed of, accordingly.

7. It is made clear that the Financial Commissioner shall decide the stay application as well as the appeal, without being influenced by the observations made here-in-above or the fact that the parties have been ordered to maintain status quo vide instant order.

8. All pending application(s), if any, shall also stand closed.

22.11.2024*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No