

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.350 OF 2025

[Ajay Ambadasji Borekar ..vs.. Hon'ble Minister and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr P. A. Kadu, Advocate for Petitioner.
Mr S. B. Bissa, AGP for Respondents/State.
Mr N. A. Gawande, Advocate for Respondent No.4.

CORAM : ANIL L. PANSARE, J.

DATE : 21st JANUARY, 2025.

1. Heard.

2. The grievance of the petitioner is that the respondent No.1/Hon'ble Minister has stayed order dated 26.11.2024 passed by the Additional Commissioner, Amravati Division, Amravati, thereby disqualifying the respondent Nos.4 and 5, without assigning any reason.

3. The Hon'ble Minister has stayed the order on the ground that the case of respondent Nos.4 and 5, who were appellants before the respondent No.1, will have to be examined. Thus, it is evident that the order of stay is sans any reason much less valid reason.

4. The Hon'ble Apex Court in the case of *Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota V/s Shukla and Brothers, (2010) 4 Supreme Court Cases 785*, has while highlighting importance of reasoned order/judgment held thus :

"27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the

procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. there are apt observations in this regard to say "failure to give reasons amounts to denial of justice". Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove."

Thus, the Hon'ble Apex Court has, in so many words, explained the importance of reasoned order. The Apex Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law and is a mandatory requirement of procedural law.

5. The impugned order dated 30.12.2024 passed by the respondent No.1 granting stay to the order dated 26.11.2024 passed by the Additional Commissioner, Amravati, having been passed without reason, is quashed and set aside. The respondent No.1 shall consider the application afresh in accordance with law.

6. The parties shall appear before the respondent No.1 on scheduled dated i.e. on 03.02.2025.

7. The writ petition is disposed of accordingly.

JUDGE