



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

Writ Petition No. 737 of 2021

[Dashrath s/o Nago Dahule ..vs.. Shri Lahu Govinda Rode and ors.]

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

Court's or Judge's orders

Mr. B. M. Kharkate, Advocate for the petitioner
Mr. Madhur Deo, Advocate for respondent nos. 1 and 2
Mr. H. R. Dhumale, AGP for respondent nos. 4 to 6

CORAM : ANIL L. PANSARE J.

DATED : 03-03-2025

Heard.

2. Respondent no. 6 - Additional Commissioner, Nagpur Division, Nagpur has condoned delay of about 14 years without assigning reasons. He has, while allowing application, observed that the reasons assigned in the application to condone delay are relevant and truthful. The order, however, is completely silent as to what were the reasons and how can said reasons be said to be truthful.

3. The Hon'ble Supreme Court in the case of *Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota V/s Shukla and Brothers, [(2010) 4 SCC 785]* highlighting importance of reasoned order/judgment held in following terms :

“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/judgment. 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.

4. The order impugned is silent on reasons and is, therefore, liable to be quashed and set aside and the matter will have to be remanded back to respondent no. 6 to consider it afresh. Order accordingly.

5. Writ petition is disposed of in aforesaid terms.

(Anil L. Pansare, J.)