IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.691 of 2026

Decided on: 25th November, 2026

M/s Apurva Projects & Contracts Private Limited and others **.....Petitioners**

Versus

Financial Commissioner, Himachal Pradesh and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioners: Mr. Vinay Kuthiala, Senior Advocate with Ms. Ambika Kotwal, Advocate.

For the Respondents: Mr. Y.P.S. Dhaulta, Additional Advocate General, for respondents No.1 to 3.

Jyotsna Rewal Dua, Judge

Notice confined to respondents No.1 to 3, which is waived by Mr. Y.P.S. Dhaulta, learned Additional Advocate General.

Considering the grievance of the petitioners, the nature of the impugned order, the documents appended with the petition, the submissions made by learned counsel for the parties and the order being passed hereinafter, there is no necessity to call for reply from the appearing

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

respondents. Matter has accordingly been heard at this stage.

2. Proceedings under Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 were instituted against respondent No.4. It is the case of the petitioners that the said respondent was proceeded against *ex-parte*, even though a necessary party in the proceedings. The proceedings culminated into passing of order dated 06.11.2025 by the Collector, District Solan, whereunder, the land in question, measuring 48-04 bighas as per the Jamabandi for the year 2017-18, was ordered to be vested in the State of Himachal Pradesh alongwith structures free from all encumbrances. Appeal preferred by the petitioners against the aforesaid order was held to be not maintainable vide order dated 21/29.09.2026 by the Divisional Commissioner, Shimla.

Revision Petition No.116 of 2026 was preferred by the petitioners thereafter before the Financial Commissioner (Appeals), Himachal Pradesh, who passed following order on 06.11.2026 in the said revision petition:-

> *"Heard. Having considered the averments made by the ld. counsel for the petitioners and on bare perusal of the contents of revision petition as well the copies of the orders passed by the Court below, prima facie, there appears substance in pleadings of the Ld. Counsel, and thus the record of the Courts below is*

> *required to be examined as to whether any illegality or irregularity has been committed by the Courts below. The revision petition is admitted for adjudication on merit. Record of the courts below be requisitioned and notices be issued to the respondents.*
>
> *However, I do not find any reason to grant stay. Hence, the application (M.A. No.155/2026) is not allowed.*
>
> *To come up for further consideration on 12-03-2027 (02:30) at Shimla (Sectt.).”*

Petitioners are aggrieved against the aforesaid order to the extent it does not grant them interim relief and their application in that regard (M.A. No.155/2026) has been dismissed.

3. Heard and considered the case file.

4. Considering the fact that the Court of Financial Commissioner (Appeals), Himachal Pradesh has admitted petitioners’ revision petition for adjudication on merits; called for the records of the Courts below and notices have also been issued to the respondents, against the backdrop of facts and nature of order impugned before the Financial Commissioner (Appeals), in all fairness, some reasons should have been assigned as to why the interim application did not find favour with the Court.

Learned Senior Counsel for the petitioners submits that as per impugned order passed by the Collector, Solan, the land in question has been ordered to

be vested with the State Government, that too, alongwith the structures free from all encumbrances. Inviting attention to the photographs appended at pages 58-65 of the paper-book, it was highlighted that industrial labourers are residing over the land in question. That creation of third-party rights, if any, pursuant to vestment in favour of the State would seriously prejudice the interest of the petitioners. So much so that the revision petition filed by the petitioners might become infructuous in case the interim relief is not granted in their favour. In view of above concerns expressed for the petitioners, which *prima facie* appear to be well founded at this stage, it is deemed appropriate to dispose of the present petition with the order that the impugned order dated 06.11.2026 (Annexure P-14) passed by the Financial Commissioner (Appeals), Himachal Pradesh in M.A. No.155 of 2026 is quashed and set aside. Ordered accordingly. M.A. No.155 of 2026 shall stand restored to its original number. The Financial Commissioner (Appeals), Himachal Pradesh shall decide M.A. No.155 of 2026 afresh in accordance with law. Parties, through their learned counsel, are directed to appear before the Court of learned Financial Commissioner (Appeals), Himachal Pradesh on ***22.12.2026***. Till such time, in order

to protect the interest of the parties, the parties are directed to maintain status quo qua possession over the land in question. No third-party rights shall be created over the land in question by either of the parties. By abundant caution, it is clarified that while passing this order, merits of the matter have not been adverted to. The concerned authority shall decide the matter in accordance with law.

5. The petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

November 25, 2026
Mukesh