



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

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**CM-74-LPA-2019 in/and
LPA-39-2019 (O&M)
Decided on : 05.03.2026**

PUNJAB STATE POWER CORPORATION LIMITED AND ORS

. . Appellants

Versus

OMBUDSMAN ELECTRICITY PUNJAB AND OTHERS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. Lakindra Singh, Advocate for
Mr. Naveen S. Bhardwaj, Advocate for the appellants.

Mr. Ashwani Talwar, Senior Advocate with
Mr. Deepak Goyat, Advocate and
Ms. Vaishnavi Sikka, Advocate for the respondents No. 3 & 4.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-74-75-LPA-2019

The prayer in the present applications are for condonation of delay of 193 days in filing and 58 days in refiling the present appeal (**LPA-39-2019**).

Notice of the present application was issued by the Coordinate Bench of this Court on 08.02.2019.

In lieu of the said notice, the respondents has filed a reply objecting the present application seeking condonation of delay of 193 days in filing the present appeal.

A bare perusal of the present applications would show that the reason have been given therein for the delay of 193 days including seeking of the legal opinion as well as taking further action for filing the appeal.



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Hence, keeping in view the totality of the circumstances and the averments enumerated in the applications, which are duly supported by an affidavit, the same are allowed. Consequently, the delay of 193 days in filing and 58 days in refiling the present appeal (**LPA-39-2019**) are hereby condoned.

LPA-39-2019

1. In the present appeal, the challenge is to the impugned order dated 06.02.2018 passed by learned Single Judge, whereby, the writ petition filed by the petitioners has been dismissed and the order dated 09.03.2016 passed by respondent No. 1 by which, appeal filed by respondent No. 4 against the order dated 11.08.2015 passed by respondent No. 2 has been upheld.

2. In the main appeal, the only argument raised by the appellant is that after noticing the arguments of the appellant, not even a single findings have been given by the learned Single Judge, apart from upholding the order passed by respondent No. 1 i.e. Ombudsman, which order had been impugned before learned Single Judge.

3. Learned Senior counsel appearing on behalf of the respondents submits that though, no specific reasons have been mentioned so as to accept the aforementioned impugned order, but, if the Court is in agreement with the said order, separate reasons for upholding the same are not required.

4. It may be noticed that once, the order dated 09.03.2016 passed by respondent No. 1-Ombudsman was under challenge, the arguments which have been raised qua said challenge are required to be dealt with as to why, in the opinion of learned Single Judge, interference is not required for so as to hold the impugned order as valid.



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5. It is a settled principle of law that the Appellate Authority is required to pass a speaking order giving due reasons for its conclusion arrived at. Reliance can be placed upon the judgment passed by the Hon'ble Supreme Court of India in **Kranti Associates Pvt. Ltd. and another vs. Masood Ahmed Khan and others, (2010) 9 SCC 496.** Relevant paragraph is as under:-

“47. Summarizing the above discussion, this Court holds:

a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially. b. A quasi-judicial authority must record reasons in support of its conclusions.

c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.

f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

g. Reasons facilitate the process of judicial review by superior Courts.

h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.

i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver



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them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system. j. Insistence on reason is a requirement for both judicial accountability and transparency.

k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.

m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harward Law Review 731-737).

n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs. University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to [Article 6](#) of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".

6. A bare perusal of the above would show that while deciding the



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appeal also, reasons are to be given by for the conclusion arrived at.

7. Keeping in view the fact that as no reasons have been mentioned by learned Single Judge while upholding the impugned order passed by respondent No. 1-Ombudsman, the order dated 06.02.2018 passed by the learned Single Judge is hereby set-aside and the present case is remanded back to the learned Single Judge for a fresh adjudication.
8. Accordingly, the present appeal is allowed.
9. Registry is directed to inform both the parties about the next date of hearing fixed before the Court.
10. Pending civil miscellaneous application(s), if any, stand disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

05.03.2026

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*