



2023:PHHC:121541
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-31810-2019
Date of Decision:-14.09.2023

JAI PARKASH GOYAL**...Petitioner****Versus****HARYANA STATE FEDERATION OF CONSUMERS COOPERATIVE
WHOLESALE STORES LTD. (CONFED) AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Salil Sabhlok, Advocate
for the petitioner.

Mr. Jagbir Malik, Advocate
for respondents No.1 and 2.

SANDEEP MOUDGIL, J. (Oral)

The instant petition has been preferred under Article 226 of the Constitution of India seeking issuance of writ in the nature of certiorari for quashing the order dated 23.05.2017 (Annexure P-21), whereby the petitioner was inflicted with the punishment of recovery to the tune of Rs.3,60,98,800/-, against which an appeal was preferred under the statutory rules but the same was rejected vide order dated 14.10.2015 (Annexure P-14) with the following observations:-

“Shri. J.P. Goyal, Ex-G.M. Was heard. Board after deliberations, decided that there no merit in the appeal, hence rejected.”

On perusal of the above observations, learned counsel for the petitioner has argued that no reasons have been recorded by the Appellate authority while rejecting the appeal *in limine* and further he was provided no opportunity of hearing, at that stage, by it.

Learned counsel for respondents No.1 and 2 has candidly responded stating that matter may be remanded back and Board of Directors would

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reconsider the appeal and shall pass fresh order, after considering the sufficient material on the record after providing an opportunity of hearing to him.

In view of the above, this Court is of the considered view that the appeal of the petitioner may have merit or not but principle of natural justice demands proper and fair adjudication and in this case order dated 14.10.2015 (Annexure P-14) and order dated 23.05.2017 (Annexure P-21) are admittedly non-speaking and cryptic, without recording any reasons whatsoever.

Therefore, order dated 14.10.2015 (Annexure P-14) and order dated 23.05.2017 (Annexure P-21) are quashed and the case is remanded back with a direction to the Board of Directors to decide the appeal afresh in accordance with law by passing a detailed speaking and reasoned order.

It is further made clear that till the final adjudication of the appeal, operation of punishment order shall remain in abeyance.

The instant petition stands disposed off in the aforesaid terms.

14.09.2023
P.Bhatt

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No