



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2814 of 2026 a/w

CWP No.2900 of 2026

Decided on: 31.03.2026

1. CWP No.2814/2026

Madan Lal

.....Petitioner

Versus

State of H.P and others

.....Respondents

2. CWP No.2900/2026

Madan Lal

.....Petitioner

Versus

State of H.P and others

.....Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner(s): Mr. Verender Kumar, Advocate.

For the Respondents: Mr. Rajat Choudhry, Assistant Advocate General, for respondents No. 1 to 4 in both the petitions.

Mr. Kulwant Gill, Advocate, for respondent No.5 in CWP No.2814 of 2026 and respondent No.7 in CWP No.2900/2026.

Ms. Swati Sharma, Advocate, for respondents No. 8 to 10 in CWP No. 2900/2026.

Jyotsna Rewal Dua, Judge

Both these petitions involve common questions of law and facts, hence, with the consent of learned counsel

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



for the parties, have been taken up together for hearing. For convenience facts have been referred to hereinafter from the lead case CWP No.2814/2026 (Madan Lal versus State of H.P and others).

Taking into consideration the order impugned herein and the submissions made by learned counsel for the parties, it is not necessary to call for reply from respondents No. 5 to 7. Respondents No. 1 to 4 though have filed reply. With the consent of learned counsel for the parties, matter has been heard at this stage.

2. Petitioner feels aggrieved against the order dated 07.11.2025 passed by respondent No.2-Financial Commissioner (Appeals) Himachal Pradesh dismissing his revision petition No.466/2025.

It was on 22.08.2025 that respondent No.2 had ordered to issue fresh notice to the respondents and matter was directed to be listed for admission on 07.11.2025. On the next date i.e. 07.11.2025, following order was passed by respondent No.2:-

“07.11.2025

Present: Miss Yogita vice Sh. Ganesh Barowalia,
Counsel for petitioner.

Ld. Vice Counsel for petitioner heard. The
ld. Counsel for the petitioner failed to point out any
specific illegality or irregularity in the impugned order
dated 28.05.2025, passed by the ld. Divisional
Commissioner, Kangra at Dharamshala, in a case



No.90/2024- titled as Sh. Madan Lal vs State of H.P., whereby the Id. Commissioner has upheld the order dated 26.08.2016 passed by the Id. Settlement Collector, Kangra at Dharamshala, in case No.244/2015/SO titled as Mohinder Singh Vs State of H.P & others.

Thus, the present revision petition is dismissed in limine.

Announced in open court today on 07th Nov 2025. The file of this court be consigned to the record room after due completion."

3. In ***State Project Director, U.P. Education for all Project Board and others***,² Hon'ble Apex Court reiterated that a judgment cannot be sustained in absence of reasons. Relevant paras are as under:-

"4. We are of the opinion that in the absence of any reasoning in the impugned judgment, the same cannot be sustained. In this regard, we are benefitted by the following observations made by this Court in CCT v. Shukla & Bros., (2010) 4 SCC 785. The relevant paragraphs of the judgment are extracted hereinbelow: -

"23. We are not venturing to comment upon the correctness or otherwise of the contentions of law raised before the High Court in the present petition, but it was certainly expected of the High Court to record some kind of reasons for rejecting the revision petition filed by the Department at the very threshold. A litigant has a legitimate expectation of knowing reasons for rejection of his claim/prayer. It is then alone, that a party would be in a position to challenge the order on appropriate grounds. Besides, this would be for the benefit of the higher or the appellate court. As arguments bring things hidden and obscure to the light of reasons, reasoned judgment where the law and factual matrix of the case is discussed,

²(2024) 12 SCC 609,



provides lucidity and foundation for conclusions or exercise of judicial discretion by the courts.

24. Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be.

25. We would reiterate the principle that when reasons are announced and can be weighed, the public can have assurance that process of correction is in place and working. It is the requirement of law that correction process of judgments should not only appear to be implemented but also seem to have been properly implemented. Reasons for an order would ensure and enhance public confidence and would provide due satisfaction to the consumer of justice under our justice dispensation system. It may not be very correct in law to say, that there is a qualified duty imposed upon the courts to record reasons.

26. Our procedural law and the established practice, in fact, imposes unqualified obligation upon the courts to record reasons. There is hardly any statutory provision under the Income Tax Act or under the Constitution itself requiring recording of reasons in the judgments but it is no more res integra and stands unequivocally settled by different judgments of this Court holding that the courts and tribunals are required to pass reasoned



judgments/orders. In fact, Order 14 Rule 2 read with Order 20 Rule 1 of the Code of Civil Procedure requires that, the court should record findings on each issue and such findings which obviously should be reasoned would form part of the judgment, which in turn would be the basis for writing a decree of the court.

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.*, 1974 ICR 120 (NIRC) 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.”

Kranti Associates Private Limited and another versus Masood Ahmed Khan and others,³

inter- alia holds that quasi-judicial authority must record reasons in support of its conclusions:-

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

³(2010)9 SCC 496,



- (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 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) 1100 Harvard Law Review 731-37)

(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 *Rioz Tproka v. Spain*, (1994) 19 EHRR 553 EHRR. at 562 para 29 and *Anya v. University of Oxford*, 2001 EWCA Civ 405(CA), 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".

4. I am in agreement with the contentions made for the petitioner that impugned order is completely unreasoned and non-speaking. Impugned order does not give the impression of having been passed in exercise of quasi judicial adjudication. Recording of reasons is indispensable component of justice delivery. It was respondent No.2 who had issued notice in revision petition on 22.08.2025 but dismissed the petition on 07.11.2025 on the ground that "learned counsel for the petitioner failed to point out any specific illegality or irregularity in the order dated 28.05.2025 passed by the Divisional Commissioner, Kangra." Apart from raising issues touching the merits of



the matter, according to the petitioner, he had also pointed out in his revision petition that the Settlement Officer who passed the order on 26.08.2016 was the same person who dismissed petitioner's appeal against the same order as Divisional Commissioner on 28.05.2025; That these orders had been questioned before respondent No.2. All these issues were required to be looked into by respondent No.2.

4. In view of above, impugned order dated 07.11.2025 passed by respondent No.2- Financial Commissioner (Appeals), H.P. is set-aside. Both the matters are remanded to respondent No.2 for afresh decision in accordance with law by passing speaking and reasoned order. Parties are directed to appear before respondent No.2 on 09.04.2026. The parties shall neither take nor shall be granted to take unnecessary adjournments and shall co-operate for speedy disposal of the matter. Petitions are accordingly disposed of. Pending miscellaneous application(s), if any, also stand disposed of.

March 31, 2026
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Jyotsna Rewal Dua
Judge