

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**LPA No. 560 of 2025****Date of decision: 27.11.2025**

HPSEB Ltd.	...Appellant
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Versus

M/s Pure & Cure Healthcare Pvt. Ltd.	...Respondents
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The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.***The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.****Whether approved for reporting?***For the Appellant:** Ms. Sunita Sharma, Senior Advocate
with Ms. Meenakshi Katoch, Advocate.**For the Respondent:** Mr. Manik Sethi, Advocate.

G. S. Sandhawalia, Chief Justice (Oral)

The present appeal is preferred against the judgment dated 04.04.2024, passed by learned Single Judge in CWP No. 2585 of 2024, titled as M/s Pure & Cure Health Care Pvt. Ltd. vs. HPSEBL.

2. Notice of motion was issued on 27.08.2025, on a specific plea taken that time was not granted to file reply and, therefore, the principle of natural justice has been violated. The order dated 27.08.2025 reads as under:-

"Inter alia submits that the writ petitioner purchased the property vide Sale Certificate dated 23.11.2023, from Edelweiss Asset Reconstruction Company Limited for a sale consideration of Rs.30,69,85,140/-. Being the purchaser of the industrial unit, the petitioner applied for an electricity connection, which was running earlier in the

premises of M/s Ankur Drug Pvt. Ltd., but had been disconnected due to non-payment of outstanding dues amounting to Rs.20,47,837/-.

2. Resultantly, an offer was given vide communication dated 02.03.2024 [Annexure P-2], either to make the said payment or to deposit (Advance cost share toward IDC @ Rs.200 Per KVA + Average bill of last two-months bill of old consumer, i.e. Rs.16,61,837/-) for further processing and release of PAC/electricity connection. It is further submitted that vide communication dated 12.03.2024 [Annexure P-3], the petitioner had asked for further details of 12 bills of the erstwhile company, etc. for communicating the acceptance or denial.

3. It is further submitted that instead of acting on the same, the writ petition came to be filed, which was listed on 27.03.2024 for the first time, wherein counsel had put in appearance having advance copy, and only a day's time was granted to file reply by 02.04.2024. The matter was thereafter decided on 04.04.2024.

4. It is thus submitted that no adequate opportunity was granted to file reply and therefore, the principles of natural justice have been violated.

5. Let notice be issued to sole respondent, returnable by the next date of hearing, on taking steps within a week.

6. List on 16.10.2025."

3. Counsel for the respondent/writ petitioner has brought to our notice that arguing counsel was herself present before the learned Single Judge and the statement was recorded that the case could be decided on the basis of material already available on record, the matter can be adjudicated upon. The relevant paragraph reads as under:-

2. Though, vide orders dated 27.03.2024, 02.04.2024 and 03.04.2024 sufficient time was granted to respondents to file reply/instructions, but fact remains that till date neither instructions nor reply has been filed. Learned Senior counsel arguing on behalf of the respondents fairly stated during proceedings of the case that controversy can be decided on the basis of material already available on record."

4. In such circumstances, we do not propose now to hear the counsel on merits, since apparently, it was wrongly projected before us at that point of time that opportunity to file reply had not been given. Even if that was the case, then, an appropriate application should have been filed before the learned Single Judge immediately on the decision of the case as the order was passed in the open Court, which would be clear that the order is oral in nature on 04.04.2024.

5. Having not filed the appropriate application, the present appeal was filed and 339 days' delay in re-filing the appeal also occurred and we condoned the delay on 20.08.2025. If there was any such requirement of filing reply or objection, the matter should have been placed before the learned Single Judge at the earliest

6. We are of the considered opinion that after a period of almost one and half years, now the said exercise cannot be allowed to be completed. It is not possible for the learned Single Judge as such to remember as to what happened a year and half

earlier. It is settled principle that what happened in the Court is to be left in the Court.

7. In ***State of Maharashtra Vs. Ramdas Shrinivas Nayak and Another (1982) 2 SCC 463***, it was held that the Judges cannot be dragged into the arena of the dispute *inter se* litigation and the judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The relevant para of the said judgment read as under:-

"4. When we drew the attention of the learned Attorney-General to the concession made before the High Court, Shri. A.K. Sen, who appeared for the State of Maharashtra before the High Court and led the arguments for the respondents there and who appeared for Shri Antulay before us intervened and protested that he never made any such concession and invited us to peruse the written submissions made by him in the High Court. We are afraid that we cannot launch into an enquiry as to what transpired in the High Court. It is simply not done. Public policy bars us. Judicial decorum restrains us. Matters of judicial record are unquestionable. They are not open to doubt. Judges cannot be dragged into the arena.

"Judgments cannot be treated as mere counters in the game of litigation." We are bound to accept the statement of the judges recorded in their judgment, as to what transpired in court. We cannot allow the statement of other evidence. If the judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The principle is

well-settled that statements of fact as to what transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the judges, to call the attention of the very judges who have made the record to the fact that the statement made with regard to his conduct was a statement that had been made in error. That is the only way to have the record corrected. If no such step is taken, the matter must necessarily stand there. Of course a party may resile and an appellate court may permit in rare and appropriate cases to resile from a concession on the ground that the concession was made on a wrong appreciation of the law and had led to gross injustice; but, he may not call in question the very fact of making the concession as recorded in the judgment."

8. In such circumstances, keeping in view the fact that everything happened in the open Court, we are not inclined to entertain the appeal, in peculiar facts and circumstances.

9. Accordingly, the appeal is dismissed, so also pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

27th November, 2025
(sanjeev)