

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.2177/2020
IN
CIVIL APPEAL NO.372/2020

BALBIR PAL DANDYAN & ORS.

Appellant(s)

VERSUS

THE UNION TERRITORY OF CHANDIGARH
UT CHANDIGARH & ORS.

Respondent(s)

O R D E R

On 13.01.2020, we had passed the following order:

"Leave granted.

Learned counsel for the appellant pointed out that as per an interim order dated 5.8.2013, Rs.50 lakhs has been deposited.

In view of the aforesaid, learned counsel for the respondent submits that they will examine the case of the appellant subject to payment of all dues with interest and penalty and pass appropriate order within three months from today.

The appeal stands disposed of."

It is in pursuance of the aforesaid order that the matter was directed to be considered. The so-called consideration is reflected in order dated 24.09.2020.

On hearing learned counsel for the parties, we are unequivocally of the view that the concerned authority has not even

understood the order passed by this Court and has gone in a direction of review application not being maintainable. We do not appreciate how the matter comes under a purview of review when this Court had directed re-examination of the case of the appellant subject to the payment of all dues with interest and penalty and for passing an appropriate order. We do not expect such non-application of mind to take place while considering the matter remitted by this Court.

We have thus, no option but to set aside the order dated 24.09.2020 with a direction to pass a fresh order on merits by an officer other than and senior to the officer who passed this order. We hope that the concerned authorities now passing the order will not create a second opportunity for us to examine this issue.

The application for directions is accordingly allowed and the Miscellaneous Application stands disposed of.

Needless to say that no coercive effort will be taken against the appellant and even in the unforeseen eventuality of an adverse order, till this Court examines the said order.

..... J.
[SANJAY KISHAN KAUL]

..... J.
[HEMANT GUPTA]

NEW DELHI;
FEBRUARY 22, 2021.

