

Karam Chand vs . State Of H.P. & Others on 24 July, 2024

Author: Mamidanna Satya Ratna Sri Ramachandra Rao

Bench: Mamidanna Satya Ratna Sri Ramachandra Rao

Karam Chand Vs. State of H.P. & others .

CWPOA No. 6732 of 2020 06.05.2024 Present: Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

The 1st respondent shall file a reply in the Writ petition since the previous reply has been filed by the Inspector General of Police on behalf of all the respondents, through there is a conflict in the opinions expressed previously by the Deputy Secretary (Home) to the Government of Himachal Pradesh under Annexure A-10 and the 4th respondent under Annexure A-16.

List on 12.06.2024 (M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 06, 2024 (hemlata) .

Abbott Healthcare Pvt. Ltd. Vs. UOI & others CWP No. 2696 of 2024.

06.05.2024 Present: Mr. Bharat Raichandani and Mr. Ishaan Kashyap, Advocates, for the petitioner.

Mr. Balram Sharma, DSGI, for respondents no. 1 & r to Mr. Anup Rattan, Advocate General with Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Mr. Sushant Kaprate, Additional Advocates General, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondent no. 2.

Ms. Lalita Sharma, Advocate vice Mr. Vijay Arora, Advocate, for respondents no. 4 to 6.

Reply be filed by the 2nd respondent by or before the next date.

List on 10.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 06, 2024 (hemlata) .

Sanjana Chauhan Vs. Central Board of Secondary Education & Anr.

6.05.2024 Present: Mr. Vikrant Chandel, Advocate, for the petitioner.

Ms. Ritta Goswami, Senior Advocate, with Ms. Komal Chaudhary and Ms. Rekha Thakur, Advocates, for respondent no. 1.

None for respondent no. 2.

Learned Counsel for the petitioner shall amend the pleadings and prayer in the Writ petition to reflect the correct provisions under Challenge in the Central Board of Secondary Education Rules.

List on 19.06.2024 (M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 06, 2024 (hemlata) M/s B. L. Seth Agro Mills VS. State of H.P. & others.

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07.05.2024 Present: Mr. Divya Raj Singh, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents.

At the request of learned Counsel for the petitioner, list on 30.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 07, 2024 (hemlata) Sanjeevan Singh VS. State of H.P. & others.

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07.05.2024 Present: Mr. Abhishek Dulta and Mr. Vishal Verma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 1 to 4.

Mr. Mukul Sharma, Advocate vice Mr. Virbashadur Verma, Advocate, for respondent no. 5.

Mr. Sumeet Raj Sharma, Advocate, for respondents no. 6 & 7.

The compliance affidavit filed today by respondent no. 8 shows that a further amount of Rs. 9,12,630/- has been imposed on the 6th respondent, in addition to the fine of Rs.

11,39,310/-, comprising cost/fine imposed by the Forest and Pollution Control Board earlier.

Learned Counsel for the 6th respondent wishes to file a rebuttal to the allegations that he is somehow responsible for the cost of more than Rs. 64.00 lacs for removal of muck from the Forest land and for construction of the re-enforcement which fell down .

He is permitted to do so.

List on 18.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge .

May 07, 2024

(hemlata)

r to

Gajendra Rawat Vs. Union of India & others .

CWP No. 2516 of 2021.

07.05.2024 Present: Mr. Ravi Tanta, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 1.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 2 to 6.

In view of recusal by Justice Jyotsna Rewal Dua, list before DB-I. (M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 07, 2024 (hemlata) Ami Chand Vs. State of H.P. & others.

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CWPOA No. 6890 of 2020.

07.05.2024 Present: A.K. Gupta, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

At the request of learned Additional Advocate General, list on 23.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 07, 2024 (hemlata) LAC & others Vs. Krishan Lal & others a/w connected matters.

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RFA No. 206 of 2016 a/w RFA No. 418 of 2015 and RFA No. 2 of 2016.

08.05.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the appellants in all the appeals.

Mr. R.K. Gautam, Senior Advocate with Mr. Jai Ram Sharma, Advocate, for respondent no. 1(a) in all the appeals.

Mr. O.C. Sharma, Advocate, for respondents No. 1(b), 1(d), 1(e), 2(a), 3 to 12, 13(a) to 13(f) and 14 in all the appeals.

Appeal is ordered to be abated vis-a-vis respondent no. 1(c) vide order dt. 26.10.2020 in all the appeals.

None for the applicants in CMPs No. 18 & 19 of 2017.

CMP No. 14444 of 2021.

Reply be filed to the said application by the non-applicants.

This application is filed under Order 22 Rule 5 CPC for determination of question as to who is the legal representative of deceased Shanti Devi, who is respondent no. 1 in this Appeal.

There is a dispute as to who are the genuine legal representatives of said Shanti Devi. Therefore, we direct the Additional District Judge, Solan to decide the said issue after hearing both sides and considering the evidence adduced by .

them, and submit a report on this aspect to enable this Court to decide this application. The said exercise shall be completed within three months from today.

Copies of this application and reply thereto, if any, filed by the respondents be forwarded alongwith any other documents, which may be required by the said Court for adjudication within one week.

Parties to appear before the said Court on 17.06.2024.

List CMPs no. 18 & 19 of 2017 and 669 of 2020 on 28.10.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 08, 2024 (hemlata) Amit Chauhan & another Vs. Union of India & others.

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CWP No. 10394 of 2023.

08.05.2024 Present: Mr. Skandh Sharma, Advocate vice Mr. Vinod Chauhan, Advocate, for the petitioners.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 1.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 2 to 4.

List alongwith CWP No. 8301 of 2023 on 27.05.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 08, 2024 (hemlata) Court on its own motion Vs. State of H.P. & others a/w connected matters.

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CWPIL No. 30 of 2023, CWPIL No. 83 of 2022 & CWP No. 3118 of 2023.

08.05.2024 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

Mr. Anuj Nag, Advocate, for respondent no. 6.

Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

Mr. Anuj Nag, Advocate, for respondent no. 5.

Mr. Rajnish Maniktala, Senior Advocate with Mr. Naresh K. Verma, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondents no. 3 & 4.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

Heard Mr. Rajnish Maniktala, learned Senior Counsel .

for the petitioner in CWP No. 3118 of 2023, Mr. Balram Sharma, learned Deputy Solicitor General of India, for Union of India, Mr. Rakesh Dhaulta, learned Additional Advocate General for the State of Himachal Pradesh and Mr. Anuj Nag, learned Counsel for Drug Manufactures Association.

2. We have perused the status reports filed from time to time by the State Government. We have also taken note of the previous order passed on 18.09.2023, in response to which status report had been filed by the State Government.

3. Annexure P-17 in CWP No. 3118 of 2023, filed to the State Government's report indicates that certain actions have been taken when it was noticed that the drugs were not of standard quality, and such actions range from suspension of product permission to prosecution.

4. It appears that notwithstanding such actions having been taken by the State Authorities, there continues to be production of substandard drugs and their sale within India and export thereof outside India.

5. Instances have come to light where in some African countries, there have been deaths on account of consumption of such substandard drugs manufactured within the State of Himachal Pradesh by members of the 6 th respondent-

Association.

6. The need of the hour appears to be to have a .

review/oversight of the punishments imposed on erring Laboratories, so that adequate deterrence is there and production of standard quality drugs is ensured both for domestic consumption and export.

7. We are also distressed to note that though sufficient funds have been made available for running two State Drugs Laboratories at Baddi in Himachal Pradesh and even building for one of them has been constructed utilizing funds provided by both State and Central Government, neither of these Laboratories are functional, though considerable money has been spent for establishing these laboratories having realized the need for such State Drugs Laboratories.

8. To make the said two State Drugs Laboratories at Baddi functional, it is desirable that respondents no. 3 & 4 deal with bottlenecks which have come in the way of the said Laboratories becoming functional. Otherwise, it would be a waste of tax payers' money which had already been spent for establishing these Laboratories.

9. Respondents no. 3 & 4 shall therefore file a status report on the above aspect, and they shall also consider a mechanism to review the punishments imposed on erring Drug manufacturers, so that there is an effective implementation of the standard prescribed under the Drugs and Cosmetics Act, 1945 by manufacturers of drugs within the State of Himachal .

Pradesh.

10. Such report be placed before this Court on both aspects on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

May 08, 2024

(hemlata)

to

(Jyotsna Rewal Dua)
Judge

M/s Greenko Hatkoti Energy Pvt. Ltd. Vs. Gian Singh alongwith connected matters.

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RFA No. 97 of 2020 a/w CO No. 47 of 2022 and RFA Nos 92 to 96 of 2020.

08.05.2024 Present: Ms. Sneh Bhimta, Advocate vice Ms. Shreya Chauhan, Advocate, for the appellant(s).

Mr. Davinder Chauhan Jaita, Advocate, for respondents no. 1(a) to 1(d) and for Cross Objectors in RFA Nos. 97, 94 and 96 of 2020.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

The amended memo of parties filed in Cross Objections No. 47 of 2022 is admitted.

CMP(M)s No. 476 & 477 of 2024 in RFA No. 92 of Notice be issued to the non-applicants returnable within four weeks, on taking steps within one week.

Cross Objections No. 21 of 2021 in RFA No. 92 of Steps to bring on record the legal representatives of deceased respondent no. 11(b) be taken by the learned Counsel for the appellant within one week. Thereafter, notice be issued to them, returnable within four weeks.

CMP No. 6410 of 2024 in RFA No. 93 of 2020 CMP No. 6411 of 2024 in RFA No. 95 of 2020 .

Ordered.

List all the matters on 27.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 08, 2024 (hemlata) CWPIL No. 1 of 2016 a/w CWP No. 2355 of 2016 and CWP N o. 1511 of 2017.

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09.05.2024 Present: Mr. Nitin Thakur, Advocate as Amicus Curiae.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for the respondents-State.

None for respondent no. 5-M.C. Shimla.

Mr. Tara Singh Chauhan, Advocate for the respondent-Pollution Control Board.

Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lall, Advocate, respondent no. 47.

Mr. Bharat Thakur, Advocate vice Mr. Tejasvi Dogra, Advocate, for respondent no. 48.

CWPs no. 2355 of 2016 & 1511 of 2017.

None for the petitioner(s).

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for the respondents-State.

CMP No. 9148 of 2023 in CWPIL No. 1 of 2016 Learned Counsel for respondent no. 48 is present today. He shall file reply to this application on behalf of his client by the next date of hearing.

List on 17.06.2024.

Registry to print the name of Mr. Tejasvi Dogra, .

Advocate, for respondent no. 48 in CWPIL No. 1 of 2016 in the Cause List, henceforth.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 09, 2024 (hemlata) State of HP & others Vs. Watan Singh Banyal & others.

CMP(M) No. 1773 of 2023.

09.05.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for the appellants/applicants.

Mr. Virender Thakur, Advocate, for the respondents.

CMP(M) No. 1773 of 2023.

This application is filed seeking condonation of delay of 102 days in filing this Appeal. Though notice is issued to the respondents and they are represented, no reply has been filed to the said application for condonation of delay by the said respondents.

Since the delay is not substantial and sufficient cause is shown in the Application seeking condonation of delay, accepting the said reasons, this Application is allowed and the said delay is condoned. The Application stands disposed of.

Appeal be registered.

Notice be issued to the respondents in the Appeal.

Mr. Virender Thakur, Advocate, accepts notice for the respondents.

List the Appeal on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 09, 2024 .

(hemlata)

r to

State of HP & others Vs. Ajeet Singh Diwan & others.

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CMP(M) No. 1822 of 2023.

09.05.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for the appellants/applicants.

Mr. Virender Thakur, Advocate, for the respondents.

CMP(M) No. 1882 of 2023.

This application is filed seeking condonation of delay of 103 days in filing this Appeal. Though notice is issued to the respondents and they are represented, no reply has been filed to the said application for condonation of delay by the said respondents.

Since the delay is not substantial and sufficient cause is shown in the Application seeking condonation of delay, accepting the said reasons, this Application is allowed and the said delay is condoned. The Application stands disposed of.

Appeal be registered.

Notice be issued to the respondents in the Appeal.

Mr. Virender Thakur, Advocate, accepts notice for the respondents.

List the Appeal on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 09, 2024 .

(hemlata)

r to

Ram Pal Sood & others Vs. State of HP & others .

09.05.2024 Present: Mr. Neeraj K. Sharma, Advocate, for the applicants-
appellants.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for respondents no. 1 & 2-State.

Mr. Happy Thakur, Advocate, vice Mr. Anirudh Sharma, Advocate, for respondents no. 3, 4 & 11.

None for the remaining respondents.

CMP(M) No. 457 & 458 of 2024.

Notice be issued to the respondents/non-applicants returnable within four weeks, on taking steps within one week.

List on 29.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 09, 2024 (hemlata) Anil Sood & others Vs. State of HP & others .

09.05.2024 Present: Mr. Sudhir Thakur, Senior Advocate with Mr. Karun Negi and Mr. Somesh Sharma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for respondents no. 1 & 2-State.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondent no. 3.

List on 12.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 09, 2024 (hemlata) .

Kuldeep Dogra & ors Vs. State of H.P. & others .

10.05.2024 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Sohail Kahan, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for respondents no. 1-State.

Mr. Anushul Jairath, Advocate vice Mr. Onkar Jairath, Advocate, for the applicants/proposed respondents.

List on 15.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 10, 2024 (hemlata) Bhimi Ram & another Vs. State of H.P. & others .

CWP No. 3959 of 2024.

10.05.2024 Present: Mr. Nishant Khidtta, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for respondents no. 1 to 6-State.

Mr. Basant Pal Thakur, Advocate, for respondent no.

At the request of learned Counsel for the petitioners, list on 15.05.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 10, 2024 (hemlata) Union of India & others Vs. Bal Mukand .

CWP No. 3921 of 2024.

10.05.2024 Present: None for the petitioners.

Mr. Anand Sharma, Senior Advocate with Mr. Karan Sharma, Advocate, for the respondent/caveator.

List on 13.05.2024.

r to (M.S. Ramachandra Rao)
Chief Justice.

(Jyotsna Rewal Dua)
Judge

May 10, 2024
(hemlata)

Court on its own motion Vs. State of HP & others.

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CMP No. 6604 of 2024 in CWPII No. 146 of 2017.

10.05.2024 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for the respondents-State.

Mr. Mohan Sharma, Advocate, for the applicant.

Learned Counsel for the applicant seeks permission to withdraw this application. Permission accorded. Accordingly, the application is dismissed as withdrawn.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 10, 2024 (hemlata) Kala Amb Chamber of Commerce and Industries Vs. HPSEBL & another.

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CWP No. 3934 of 2024.

10.05.2024 Present: Mr. Manik Sethi, Advocate, for the petitioner.

Ms. Sunita Sharma, Senior Advocate with Mr. Dhananjay Sharma, Advocate, for respondent no. 1.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Ad vocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for respondent no. 2.

CWP No. 3934 of 2024 & CMP No. 6633 of 2024.

Notice. Mr. Dhananjay Sharma, Advocate, accepts notice for respondent no. 1 and Mr. Sidharth Jalta, learned Deputy Advocate General, accepts the for respondent no. 2.

List on 12.08.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 10, 2024 (hemlata) Parwanoo Industries Association Vs. HPSEBL & another.

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CWP No. 3940 of 2024.

10.05.2024 Present: Mr. Manik Sethi, Advocate, for the petitioner.

Ms. Sunita Sharma, Senior Advocate with Mr. Dhananjay Sharma, Advocate, for respondent no. 1.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Ad vocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for respondent no. 2.

CWP No. 3940 of 2024 & CMP No. 6640 of 2024.

Notice. Mr. Dhananjay Sharma, Advocate, accepts notice for respondent no. 1 and Mr. Sidharth Jalta, learned Deputy Advocate General, accepts the for respondent no. 2.

List on 12.08.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 10, 2024 (hemlata) Chunni Lal Kaushal Vs. State of H.P. & others .

LPA No. 172 of 2023.

15.05.2024 Present: Mr. Subhash Mohan Snehi, Advocate, for the appellant.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for respondents no. 1 & 2.

Mr. Umesh Kanwar, Advocate, for respondents no. 3 & 4.

Learned Counsel for respondents no. 3 & 4 seeks time to verify the Writ record. He is permitted to do so.

List on 26.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 15, 2024 (hemlata) M/s Aargee Consultants Pvt. Ltd. Vs. State of H.P. & others .

15.05.2024 Present: Mr. Nitin Thakur, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta, Ms. Priyanka Chauhan, Ms. Leena Guleria, Deputy Advocates General, for the respondents-State.

Learned Additional Advocate General shall inform this Court whether the Convention Centre at Kiarighat is being run by the HPTDC or not and if it is being run so, from which date.

List on 17.05.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 15, 2024 (hemlata) Abhyendra Gupta Vs. State of H.P. & others .

15.05.2024 Present: Ms. Babita Chauhan, Advocate vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka

Chauhan, Deputy Advocates General, for the respondents-State.

Mr. Ashwani K. Sharma, Advocate, for the applicant in CMP No. 6884 of 2024.

Learned Additional Advocate General shall explain why promotions to the post of Daftri from the eligible Peons have not taken place after 2011 and why such Daftris are not posted in Industrial Tribunal-cum-Labour Court, Shimla.

List on 29.05.2024.

The application is dismissed with liberty to the applicant to file a fresh application.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 15, 2024 (hemlata) Daljeet Singh Vs. State of H.P. .

16.05.2024 Present: Mr. P.M. Negi, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

In spite of the opportunity being given to the respondents to produce proof of service of the letter dt.

11.02.2009 on the petitioner enclosing the order passed in the appeal on 10.02.2009 since October, 2023, the said record has not been produced. Therefore, adverse inference is drawn against the respondents that the said letter and order have not been served on the petitioner.

It is a specific case of the petitioner that there was no charge of mis-appropriation framed against the petitioner. The learned Additional Advocate General shall produce the Charge Memo issued to the petitioner in view of the fact that there is no denial of the allegations of the petitioner in the reply filed by the respondents.

List on 20.05.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 16, 2024 (hemlata) Suresh Kumar Vs. State of H.P. & others .

16.05.2024 Present: Mr. Naveen Awasthi, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

Reply filed by the State be placed on record.

List on 27.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 16, 2024 (hemlata) State of H.P. & others Vs. Gopal Singh .

CMP(M) No. 463 of 2024.

20.05.2024 Present: Mr. Gobind Korla, Additional Advocate General, for the applicants/appellants.

Notice be issued to the respondent returnable within six weeks, on taking steps within two weeks.

List on 05.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 20, 2024 (hemlata) .

Subhash Chand Vs. Tripta Devi & others .

CMP(M) No. 154 of 2024.

20.05.2024 Present: Mr. Atharv Sharma, Advocate for the applicant/appellant.

Learned Counsel for the applicant shall supply correct address of the 1st respondent, so that notice may be issued to the said respondent. Necessary steps in that regard be taken within two weeks and thereafter, notice be issued to the 1 st respondent returnable within four weeks.

List on 10.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 20, 2024 (hemlata) Kartar Singh & others Vs. State of HP & others .

20.05.2024 Present: Ms. Rashmi Parmar, Advocate, for the petitioners.

Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents.

Notice be issued to the respondents returnable within six weeks, on taking steps within two weeks.

List on 09.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 20, 2024 (hemlata) State of HP & others VS. Shyam Lal .

20.05.2024 Present: Mr. Gobind Korla, Additional Advocate General, for the applicants/appellants.

Mr. Vijay Kumar, Advocate, for the respondent.

Learned Counsel for the respondent seeks time to file reply.

List on 05.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 20, 2024 (hemlata) Devi Roop Vs. State of HP & others .

CWPIL No. 27 of 2024.

20.05.2024 Present: Mr. R.K. Bansal, Advocate, for the petitioner.

Learned Counsel for the petitioner shall place on record material in support of the allegations that licences of respondents no. 6 & 7 have been renewed to conduct water sport activities at Tata Pani in violation of the mandatory Rules.

List on 17.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 20, 2024 (hemlata) Ramesh Chand & others Vs. State of HP & others a/w connected matter.

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CWP No. 862 of 2021 a/w 21.05.2024 Present: Mr. Vinod Chauhan, Advocate, for the petitioner.

Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents-State.

Ms. Babita Chauhan, Advocate vice Mr. A. K. Gupta, Advocate, for the petitioner.

Ms. Priyanka Chauhan, Deputy Advocate General, for for respondents no. 1 to 3.

Mr. Rahul Mahajan, Advocate, for respondent no. 4.

Mr. Shiv Pal Manhans, Senior Panel Counsel, for respondent no. 5.

List on 23.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 21, 2024 (hemlata) Raj Kumar Vs. Union of India & others .

21.05.2024 Present: Mr. Prashant Sharma, Advocate vice Ms. Bhavna Dutta, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 1.

Mr. Vijay Arora, Advocate, for respondents no. 2 to 4.

This application has been moved by the 1 st respondent to delete it from the array of parties contending that the 1 st respondent in the Writ petition has nothing to do with the actions of the 2nd respondent and others. Learned Counsel for the writ petitioner does not dispute this fact.

Therefore, this application is allowed and the 1 st respondent in the Writ petition is deleted from the array of parties.

Amended memo of parties be filed by the learned Counsel for the petitioner by the next date of hearing. Accordingly, the application stands disposed of.

List on 11.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 21, 2024 (hemlata) Court on its own motion Vs. State of HP & others .

21.05.2024 Present: Mr. Shrawan Dogra, Senior Advocate as Amicus Curiae with Mr. Bharat Thakur, Advocate.

Mr. Gobind Korla, Additional Advocate General, for respondents no. 1 to 6.

Mr. Mukul Sharma, Advocate, vice Mr. V.B. Verma, Advocate for respondent no. 7.

Ms. Maheshwari Sharma, Advocate vice Mr. Naresh Kaul, Advocate, for respondent no. 8.

The office of the learned Advocate General shall supply to the learned Amicus Curiae the report dt. 12.03.2024 filed in this Court by the Director, Transport, Himachal Pradesh, Shimla.

Learned Amicus Curiae may go through the same and assist this Court on the next date of hearing.

List on 17.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 21, 2024 (hemlata) Praveen Kumar & others Vs. UOI & others.

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21.05.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioners.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondents no. 1 & 2.

Mr. Gobind Korla, Additional Advocate General, for the respondent-State.

List on 10.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 21, 2024 (hemlata) State of HP & others Vs. Rashpal Singh .

21.05.2024 Present: Mr. Gobind Korla, Additional Advocate General, for the appellants/applicants.

Notice be issued to the respondent returnable within six weeks, on taking steps within two weeks.

List on 10.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 21, 2024 (hemlata) State of HP & others Vs. Amar Singh & others.

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21.05.2024 Present: Mr. Gobind Korla, Additional Advocate General, for the appellants/applicants.

Notice be issued to the respondents returnable within six weeks, on taking steps within two weeks.

List on 09.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 21, 2024 (hemlata) State of HP & others Vs. Dhian Chand .

21.05.2024 Present: Mr. Gobind Korla, Additional Advocate General, for the appellants/applicants.

Notice be issued to the respondent returnable within six weeks, on taking steps within two weeks.

List on 09.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 21, 2024 (hemlata) Naval Kishore Vs. Distt. & Sessions Judge & another

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23.05.2024 Present: Mr. Prem Chand Verma, Mr. Varun Thakur & Mr. Aakash Thakur, Advocates, for the petitioner.

CWP No. 4531 of 2024 & CMP No. 7630 of 2024.

Notice be issued to the respondents returnable within two weeks, on taking steps within one week.

List on 18.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 23, 2024 (hemlata) Charanjeet Kaur Vs. State of H.P. & others.

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CWP No. 4524 of 2024.

23.05.2024 Present: Mr. Ajay Vaidya, Advocate, for the petitioner.

Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Mr. Arsh Rattan, Mr. Sidharth Jalta and Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents.

CWP No. 4524 of 2024 & CMP No. 7625 of 2024.

Notice. Mr. Sushant Kaprate, learned Additional Advocate General, accepts notice for the respondents.

List on 23.07.2024.

Reply be filed in the meanwhile.

CMP No. 7626 of 2024.

The application is disposed of with a direction to the applicant/petitioner to file translated copies of Annexures in issued by the next date of hearing.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 23, 2024 (hemlata) Jeevan Singh Verma Vs. Income Tax Officer & others.

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CWP No. 4520 of 2024.

23.05.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Sushant Kaprate and Mr. Aditya Sood, Advocates, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 4.

CWP No. 4520 of 2024 & CMP No. 7621 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Balram Sharma, Deputy Solicitor General of India, accepts the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-2 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High .

Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-assessing has to be done in a faceless manner to the extent provided under Section

144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., .

proceedings under Section 148A of the Act.

27. In the present case, both the proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 .

in paragraph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources. Therefore, it means that the case can be

allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th .

February 23023 being F No. 370153/7/2023 TPL which has been dealt with above. Therefore, no reliance can be placed on the said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-2, notice issued to the petitioner, till the next date of hearing.

6. List on 24.07.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 23, 2024 (hemlata) Jeevan Singh Verma Vs. Income Tax Officer & others.

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CWP No. 4521 of 2024.

23.05.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Sushant Kaprate and Mr. Aditya Sood, Advocates, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 4.

CWP No. 4521 of 2024 & CMP No. 7622 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Balram Sharma, Deputy Solicitor General of India, accepts the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-2 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High .

Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., .

proceedings under Section 148A of the Act.

27. In the present case, both the proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 .

in paragaph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources. Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th .

February 23023 being F No. 370153/7/2023 TPL which has been dealt with above. Therefore, no reliance can be placed on the said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with

the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-2, notice issued to the petitioner, till the next date of hearing.

6. List on 24.07.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 23, 2024 (hemlata) Jeevan Singh Verma Vs. Income Tax Officer & others.

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CWP No. 4522 of 2024.

23.05.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Sushant Kaprate and Mr. Aditya Sood, Advocates, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 4.

CWP No. 4522 of 2024 & CMP No. 7623 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Balram Sharma, Deputy Solicitor General of India, accepts the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-2 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High .

Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., .

proceedings under Section 148A of the Act.

27. In the present case, both the proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 .

in paragraph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources. Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th .

February 23023 being F No. 370153/7/2023 TPL which has been dealt with above. Therefore, no reliance can be placed on the said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-2, notice issued to the petitioner, till the next date of hearing.

6. List on 24.07.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 23, 2024 (hemlata) Himinder Lal & others Vs. Madan Lal & others .

FAO (OS) No. 01 of 2024.

23.05.2024 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Jaswal, Advocagte, for the appellants.

CMP No. 7745 of 2024.

Learned Counsel for the appellant has presented in the Court an application in the light of our previous order dt.

14.05.2024 and also for placing on record the amended grounds of appeal. The same is taken on record. Ordered. The application stands disposed of.

FAO (OS) No. 01 of 2024 & CMP No. 5473 of 2024.

Notice be issued to respondents no. 1 to 4 only, at this stage, returnable within six weeks, on taking steps within two weeks.

List on 24.07.2024.

There shall be stay of all further proceedings in Civil Suit No. 5 of 2020 until further orders.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 23, 2024 (hemlata) Giripar Anusuchit Jaati Adhikar Sanrakshan Samiti Vs. Union of India & others & connected matters.

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CWP No.8301 of 2023 a/w CWPs No.9036, 9528, 9737, 9771, 9772, 9816, 9929, 9982, 10779 & 10784 of 2023, 10161 of 2023.

CWP no.8301 of 2023 27.05.2024 Present: Mr. Rajendra Gulati & Mr. Suresh Singh Saini, Advocates, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondents no.1 to 7/Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.8 to 12/State.

Ms. Anubhuti Sharma, Advocate, for the applicant in CMP no.18821 of 2023.

Mr. Ankush Dass Sood, Senior Advocate with Mr. Shyam Singh Chauhan and Mr. Ankit Dhiman, Advocates, for the applicants in CMP No. 2823 of 2023.

CWP no.9036 of 2023 Mr. Vinod Chauhan, Advocate, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondents-Union of India.

Mr. Rakesh Dhaulta, Additional Advocate General with Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.8 to 12/State.

CWP no.9528 of 2023 Mr. Rajnish Maniktala, Sr. Advocate with Mr. Naresh Verma, Advocate, for the petitioners.

Mr. Balram Sharma, Dy. Solicitor General of India, .

for respondents-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.8 to 12/State.

CWP no.9737 of 2023 Mr. Rajiv Rai, Advocate, for the petitioners.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondent no.1-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.2 to 4-State.

Ms. Vandana Misra, Advocate, for respondent no.5.

CWP no.9771 of 2023 Mr. Vinod Chauhan, Advocate, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondent no.1-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.2 to 4-State.

Mr. Prashant Sharma, Advocate, for respondent no.5.

CWP no.9772 of 2023 Mr. S.S. Jasrotia, Advocate, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondent no.1-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka .

Chauhan, Deputy Advocate Generals, for respondents no.2 to 4-State.

CWP no.9816 of 2023 Mr. Vijay Sharma, Advocate, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondent no.1-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.2 to 4-State.

Mr. Vikrant Thakur, Advocate, for respondent no.5.

CWP no.9929 of 2023 Mr. Anil Kumar, Advocate, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondent no.1-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.2 to 4-State.

CWP no.9982 of 2023 Mr. Aashish Kumar, Advocate, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondent no.1-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents-State.

CWP no.10779 of 2023 Mr. Ganesh Barowalia, Advocate, for the petitioner.

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Mr. Balram Sharma, Dy. Solicitor General of India, for respondents-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents-

State.

CWP no.10784 of 2023 Mr. Ganesh Barowalia, Advocate, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondents-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the

respondents-State.

CWP N o. 10161 of 2023.

Mr. Vinod Chauhan, Advocate, for the petitioners.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondents nO. 1 & 2-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents-State.

Steps for the service of respondent no. 6 in CWP No. 10161 of 2023 be taken within two weeks. Thereafter notice be issued to him returnable within four weeks.

Learned Deputy Solicitor General of India seeks time .

to file reply in CWP's no. 8301, 9528, 9771, 9772, 9929, 10779, 10394 of 2023.

In view of the fact that interim order has been granted by this Court on 04.01.2024, but in certain cases reply has not been filed by the Deputy Solicitor General of India, therefore, interim order granted earlier is extended till further orders.

CMP No. 2823 of 2024 in CWP No. 8301 of 2023 Reply not filed by the non-applicant-writ petitioner.

Be filed by the next date of hearing.

List the matters on 20.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 27, 2024 (hemlata) Neeraj Kumar & others Vs. Union of India & others .

27.05.2024 Present: Mr. Rajendra Gulati & Mr. Suresh Singh Saini, Advocates, for the petitioner.

Mr. Balram Sharma, Dy. Solicitor General of India, for respondents no.1 to 5/Union of India.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no.6 to 9 & 11/State.

List alongwith CWP No. 8301 of 2023 on 20.08.2024. In the meantime, reply be filed.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 27, 2024 (hemlata) Arjun Singh VS. State of H.P. & others.

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27.05.2024 Present: Mr. Suresh Singh Saini, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents-State.

rejoinder.

r to Learned Counsel for the petitioner seeks time to file List on 26.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 27, 2024 (hemlata) Sunil Kumar Vs. State of HP & connected matter.

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CWPs no. 1007 & 4365 of 2023 27.05.2024 Present: Me. Neel Kamal Sharma, Advocate, for the petitioner(s) in both the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr.Sidharth Jalta, Mr.Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents-State.

CMP No. 7348 of 2024 in CWP No. 1007 of 2023.

This application is filed by the petitioner to place on record additional information i.e. the letter dt. 07.11.2022 addressed by the Principal, Government Sanskrit College Dangar, Bilaspur, Himachal Pradesh to the Director of Higher Education, Himachal Pradesh.

Since this letter is a relevant piece of evidence and necessary for adjudication of this case, this application is allowed and the said document is taken on record. The application stands disposed of.

CWPs no. 1007 & 4365 of 2023 Arguments heard. Judgment reserved.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 27, 2024 (hemlata) Sunil Kumar Vs. State of HP & connected matter.

CWPs no. 1007 & 4365 of 2023 28.05.2024 Present: Me. Neel Kamal Sharma, Advocate, for the petitioner(s) in both the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents-State.

CMP No. 7348 of 2024 in CWP No. 1007 of 2023.

This application is filed by the petitioner to place on record additional information i.e. the letter dt. 07.11.2022 addressed by the Principal, Government Sanskrit College Dangar, Bilaspur, Himachal Pradesh to the Director of Higher Education, Himachal Pradesh.

Since this letter is a relevant piece of evidence and necessary for adjudication of this case, this application is allowed and the said document is taken on record. The application stands disposed of.

CWPs no. 1007 & 4365 of 2023 Arguments heard. Judgment reserved.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 28, 2024 (hemlata) Ranbir Singh Vs. UOI & others .

28.05.2024 Present: Mr. Parav Sharma and Ms. Vishali Lakhanpal, Advocates, for the appellant.

Mr. Balram Sharma, Deputy Solicitor General of India, for the respondents.

Arguments heard. Judgment reserved.

r to (M.S. Ramachandra Rao)
Chief Justice.

(Satyen Vaidya)
Judge

May 28, 2024

(hemlata)

Bajeer Mohammad Vs. State of HP & others .

28.05.2024 Present: Mr. Ashir Kaith, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents-State.

Learned Counsel for the petitioner shall take steps to serve respondents no. 6 to 8.

r Thereafter, notice be issued to them returnable within two weeks.

Further time sought to file reply on behalf of respondents no. 1 to 5.

List on 20.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 28, 2024 (hemlata) M/s Gurmail Singh & others Vs. State of HP & others .

28.05.2024 Present: Mr. Goverdhan Lal Sharma, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents-State.

Further time sought for filing reply.

List on 04.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 28, 2024 (hemlata) State of HP & others Vs. M/s Yamuna Beverages Pvt. Ltd.

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28.05.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the appellants.

Mr. Abhishek Sharma, Advocate vice Mr. Chander Shekhar Verma, Advocate, for the respondent.

List on 20.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 28, 2024 (hemlata) M/s APJ Laboratories Ltd. VS. State .

28.05.2024 Present: Mr. Vinay Kuthiala, Senior Advocate with Mr. Diwan Singh Negi, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondent.

Having regard to the interim order granted by this Court on 04.12.2023 staying implementation of the impugned order dt. 25.05.2023, there shall be interim direction as prayed for. The application stands disposed of.

List for hearing in due course.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 28, 2024 (hemlata) Basant Kumar & another Vs. State of H.P. & another .

29.05.2024 Present: Mr. Rakesh Kumar Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Parnay Pratap Singh, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the respondents.

Learned Additional Advocate General shall place the material on record as mentioned in para-4 of our order dt.

10.01.2024.

Interim order granted earlier shall continue till the next date of hearing.

List on 09.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) Niranjana Kumari Kanwar & others Vs. State of HP & others .

29.05.2024 Present: Mr. Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no. 1 & 2.

Learned Counsel for the petitioner has filed an affidavit as directed in our order dt. 28.09.2023 indicating the amounts which are not yet paid by the respondents.

Learned Additional Advocate General shall verify the same and file a reply thereto by the next date of hearing.

List on 09.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) Niranjana Kumari Kanwar & others Vs. State of HP & others .

11.06.2024 Present: Mr. Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no. 1 & 2.

Learned Counsel for the petitioner has filed an affidavit as directed in our order dt. 28.09.2023 indicating the amounts which are not yet paid by the respondents.

Learned Additional Advocate General shall verify the same and file a reply thereto by the next date of hearing.

List on 09.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 11, 2024 (hemlata) Manju Sekhri Vs. State of H.P. & others .

CMP No. 7703 of 2024 in 29.05.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Athrav Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the

respondents.

Learned Counsel for the petitioner seeks to withdraw this application. He is permitted to do so. Accordingly, this application is dismissed as withdrawn.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) State of H.P. & others Vs. Premu & another .

29.05.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the applicants/appellants.

Notice be issued to the respondents returnable within six weeks, on taking steps within two weeks.

List on 05.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) State of H.P. & others Vs. Manbhari & others .

29.05.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the applicants/appellants.

Notice be issued to the respondents returnable within six weeks, on taking steps within two weeks.

List on 05.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) State of H.P. & others Vs. Rajender Kumar & others .

29.05.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for the applicants/appellants.

Notice be issued to the respondents returnable within six weeks, on taking steps within two weeks.

List on 05.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) Vishal Vs. State of H.P. & others.

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29.05.2024 Present: Mr. Kulwant Chauhan, Advocate, for the applicant/appellant.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no. 1 & 2.

Delay in re-filing the appeal is condoned. The application stands disposed of.

Notice. Mr. Rakesh Dhaulta, learned Additional Advocate General, accepts notice for respondents no. 1 & 2.

Notice be issued to respondents no. 3 to 5 returnable within six weeks, on taking steps within two weeks.

List on 07.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) Court on its own motion Vs. State of H.P. & others.

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CMP No. 9891 of 2022 in 29.05.2024 Present: Mr. Vinay Kuthiala, Senior Advocate as Amicus Curiae with Mr. Diwan Singh Negi, Advocate.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, Mr. Sidharth Jalta, Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocate Generals, for respondents no. 1 to 7, 9 & 11.

Mr. Mukul Sood, Advocate, for respondent no. 8-M.C. Ms. Srishti Chauhan, Advocate, for respondent no. 12.

Mr. Bhupender Singh Ahuja, Advocate, for respondent no. 13.

The timeline indicated by the Commissioner, M.C. Shimla shall be adhered to and all endeavours shall be made to complete the different steps to process the works at the earliest, much before the timeline indicated therein.

List on 03.07.2024 for filing status report regarding the progress of the implementation of the steps indicated in the current status report.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) Harmandeep Bawa Vs. Daman Bawa .

29.05.2024 Present: Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Amita Chandel, Advocate, for the appellant.

Mr. Dushyant Dadwal, Advocate, for the respondent.

Heard the learned Counsel for the applicant and the learned Counsel for the respondent.

Having regard to the facts and circumstances of the case, and keeping in mind the pleading in para 4 of the application with regard to assets and liability, filed by the respondent, we deem it appropriate to direct the respondent to pay a sum of Rs.

3,000/- per month towards the maintenance from the date of filing of this application in this Court. The arrears of maintenance shall be paid within one month and the maintenance per month shall be paid on or before 7th of every month, starting from 7 th June, 2024.

The application stands disposed of.

List on 17.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 29, 2024 (hemlata) Court on its own motion Vs. State of HP & others .

30.05.2024 Present: Mr. R.K. Gautam, Senior Advocate as Amicus Curiae with Mr. J.R. Sharma, Advocate.

Mr. Vishal Panwar, Mr. Leela Nand Sharma, Additional Advocates General with Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General and Mr. Shalabh Thakur, Assistant Advocate General, for respondents no. 1 & 3 to 5-State.

Ms. Shreya Chauhan, Advocate, for respondent no. 2- NHAI.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 6-Union of India.

Fresh status report as directed in the previous order be filed by the NHAI as well as HP PWD Department of the State of Himachal Pradesh.

List on 12.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 30, 2024 (hemlata) Court on its own motion Vs. State of HP & others .

30.05.2024 Present: Ms. Shreya Chauhan, Advocate, as Amicus Curiae.

Mr. Vishal Panwar, Mr. Leela Nand Sharma, Additional Advocates General with Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General and Mr. Shalabh Thakur, Assistant Advocate General, for respondents no. 1 to 4.

Mr. Vedhant Ranta, Advocate, for respondent no. 5.

Mr. Aman Sood, Advocate, for respondent no. 6.

Mr. Surinder Saklani, Advocate, for respondents no. 7 & 10.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 8.

Ministry of Environment Forest and Climate Change, through its Director, 6th Floor Abosh Wing, Jorbagh Road, Aligang, New Delhi-110003, is suo moto impleaded as party respondent in the Writ petition.

Issue notice to the newly added respondent. Mr. Balram Sharma, Deputy Solicitor General of India, accepts notice for the said respondent.

Status report filed by the Executive Engineer Sundernagar Division, HP PWD, Sundernagar is taken on record.

The Deputy Solicitor General of India shall go through the same and apprise this Court as to the status of the FCA approval allegedly sought by the State Government from September, 2021 and if they are pending why the same have been kept pending by the Department of Ministry of Environment Forest and Climate .

Change for more than two and half years.

List on 18.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 30, 2024 (hemlata) Aditi Sareen Vs. Amit Kumar .

30.05.2024 Present: Ms. Meera Devi, Advocate, for the applicant/appellant.

Notice be issued to the respondent returnable within six weeks, on taking steps within two weeks.

List on 11.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 30, 2024 (hemlata) State of H.P. & others Vs. Navjot Kumar .

30.05.2024 Present: Mr. Vishal Panwar, Mr. Leela Nand Sharma, Additional Advocates General with Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General and Mr. Shalabh Thakur, Assistant Advocate General, for the applicants/appellants.

Notice be issued to the respondent returnable within six weeks, on taking steps within two weeks.

List on 11.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 30, 2024 (hemlata) State of H.P. & others Vs. Ramanand & others .

30.05.2024 Present: Mr. Vishal Panwar, Mr. Leela Nand Sharma, Additional Advocates General with Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General and Mr. Shalabh Thakur, Assistant Advocate General, for the applicants/appellants.

Arguments heard. Judgment reserved.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 30, 2024 (hemlata) State of H.P. & others Vs. Sant Ram & another .

30.05.2024 Present: Mr. Vishal Panwar, Mr. Leela Nand Sharma, Additional Advocates General with Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General and Mr. Shalabh Thakur, Assistant Advocate General, for the applicants/appellants.

Arguments heard. Judgment reserved.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 30, 2024 (hemlata) State of H.P. & others Vs. Sanjeev Kumar .

30.05.2024 Present: Mr. Vishal Panwar, Mr. Leela Nand Sharma, Additional Advocates General with Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General and Mr. Shalabh Thakur, Assistant Advocate General, for the applicants/appellants.

Notice be issued to the respondent returnable within six weeks, on taking steps within two weeks.

List on 10.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Jyotsna Rewal Dua) Judge May 30, 2024 (hemlata) The Bonafide Himachalies Hydro Power Developers Association VS. H.P. Electricity .

Regulatory Commissioner and others.

31.05.2024 Present: Mr. Tirath Naik Tabrez and Mr. Sarthak Mehta, Advocates, for the petitioner.

Learned Counsel for the petitioner shall satisfy by specific pleadings as to which regulation is being impugned and on what basis.

List on 19.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge May 31, 2024 (hemlata) Sanjay Verma Vs. Ritu Verma .

10.06.2024 Present: Mr. Parmod Singh Thakur, Advocate, for the appellant.

Ms. Heena Chauhan, Advocate, for the respondent.

List for hearing in due course.

r to

(M.S. Ramachandra Rao)
Chief Justice.

(Satyen Vaidya)
Judge

June 10, 2024
(hemlata)

Kamal Raj & others Vs. HPSEBL & others .

10.06.2024 Present: Mr. R.L. Chaudhary, Advocate, for the petitioners.

Ms. Sunita Sharma, Senior Advocate with Mr. Dhananjay Sharma, Advocate, for the respondents.

List on 24.06.2024.

r to (M.S. Ramachandra Rao)
Chief Justice.

(Satyen Vaidya)
Judge

June 10, 2024
(hemlata)

Vinod Kumar Vs. Income Tax Officer & others.

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CWP No. 5202 of 2024.

10.06.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Praveen Sharma and Mr. Abhinav Bazharia, Advocates, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 4.

CWP No. 5202 of 2024 & CMP No. 8684 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Balram Sharma, Deputy Solicitor General of India, accepts the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-4 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High .

Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., .

proceedings under Section 148A of the Act.

27. In the present case, both the proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 .

in paragraph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources. Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th .

February 23023 being F No. 370153/7/2023 TPL which has been dealt with above. Therefore, no reliance can be placed on the said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-4, notice issued to the petitioner, till the next date of hearing.

6. List on 24.08.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 10, 2024 (hemlata) Vinod Kumar Vs. Income Tax Officer & others.

CWP No. 5204 of 2024.

10.06.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Praveen Sharma and Mr. Abhinav Bazharia, Advocates, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 4.

CWP No. 5204 of 2024 & CMP No. 8687 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Balram Sharma, Deputy Solicitor General of India, accepts the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-4 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High .

Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., .

proceedings under Section 148A of the Act.

27. In the present case, both the proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 .

in paragraph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources. Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no.

1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th .

February 23023 being F No. 370153/7/2023 TPL which has been dealt with above. Therefore, no reliance can be placed on the said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-4, notice issued to the petitioner, till the next date of hearing.

6. List on 24.08.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 10, 2024 (hemlata) Ayush Negi Vs. Income Tax Officer & others.

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CWP No. 5203 of 2024.

10.06.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Praveen Sharma and Mr. Abhinav Bazharia, Advocates, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 4.

CWP No. 5203 of 2024 & CMP No. 8686 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, acceptshe notice for respondents no. 1 to 3 and Mr. Balram Sharma, Deputy Solicitor General of India, accepts the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-2 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High .

Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., .

proceedings under Section 148A of the Act.

27. In the present case, both the proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 .

in paragraph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources. Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th .

February 23023 being F No. 370153/7/2023 TPL which has been dealt with above. Therefore, no reliance can be placed on the said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-2, notice issued to the petitioner, till the next date of hearing.

6. List on 24.08.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 10, 2024 (hemlata) State of HP & others Vs. Yog Raj a/w connected matters.

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LPA No. 194 of 2023 a/w CWPOA No. 5740 of 2020 & CWPs no. 5663, 6475, 6476 of 2022, CWPs No. 1756, 1759, 1809, 1897 & 2821 of 2023.

12.06.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the appellants.

Mr. Onkar Jairath, Advocate, for respondents no. 1, 53, 54, 87, 104 & 115 to 117.

Mr. R.L. Chaudhary, Advocate, for the applicants in CMP No. 11216 of 2023.

Mr. Onkar Jairath, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Mr. Onkar Jairath, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

CWPs No. 6475 & 6476 of 2022 None for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant .

Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

CWPs no. 1756 & 1759 of 2023 Mr. R.L. Chaudhary, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

None for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Mr. Prashant Sharma and Mr. Ajit Sharma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Mr. Vikas Rajput, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for .

the respondents-State.

Learned Additional Advocate General shall inform this Court by the next date of hearing whether appeals have been filed in the other writ petitions also decided alongwith the common impugned order dt. 19.07.2022.

List on 19.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) Rajneesh Mohan VS. State of H.P. & others .

12.06.2024 Present: Mr. Jeevan Kumar, Advocate, for the appellant.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents.

Learned Additional Advocate General seeks time to file reply with regard to the claim of the appellant that more money than what has already been paid is required to be paid to the appellant

by the respondents.

List on 08.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) Court on its own motion VS. State of H.P. & others .

12.06.2024 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents.

Status report has been filed today by the learned Additional Advocate General indicating that process for filling up the vacant posts in Government Degree College Kupvi, District Shimla has been started and a letter has been sent to the State Government on 27.05.2024 to fill up those posts alongwith certain other posts.

As regards the land being made available for running the said college, a report had been filed on 6 th September, 2023 that certain land has been identified and finalized for construction of a building for the said college.

The respondents shall file a status report on this aspect by the next date of hearing.

List on 07.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) Gram Panchayat Pahlu Vs. State of H.P. & others.

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12.06.2024 Present: Mr. Rajiv Jiwan, Senior Advocate with Mr. Hitender Verma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1 to 4 & 6.

Mr. Maan Singh, Advocate, for respondent No. 5.

Mr. Shrawan Dogra, Senior Advocate with Mr. Prashant Sharma and Mr. Vijay Panchata, Advocates, for respondent no. 7.

CMP No. 7470 of 2024.

This application is moved by the petitioner to place on record certain notifications issued by the State Government and other documents. Subject to strict proof and relevancy, this application is allowed and the documents are taken on record.

It is open to the 7th respondent to file separate pleadings by way of a supplementary affidavit, if he so desires, in the main case with regard to the relevancy of these documents.

The application stands disposed of.

List on 26.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) .

r to Court on its own motion Vs. State of H.P. & others.

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12.06.2024 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1 to 3.

Mr. Gaurav Chaudhary, Advocate, for respondent no.

Mr. Mukul Sood, Advocate vice Mr. Vivek Sharma, Advocate, for respondent no. 5.

Mr. Nitin Thakur, Advocate, for respondent no. 6.

Mr. R.K. Gautam, Senior Advocate is appointed as Amicus Curiae in this matter to assist the Court. Copy of the documents be furnished to the learned Amicus Curiae by the next date of hearing.

Fresh status report be filed by the State with regard to prayer in this PIL.

List on 14.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) Jarnail Singh & another Vs. State of H.P. & others .

12.06.2024 Present: Mr. Vinay Kuthiala, Senior Advocate with Mr. Diwan Singh Negi, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Respondent no. 5 already ex-parte.

List on 13.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) Ranbir Singh Vs. State of H.P. & others .

12.06.2024 Present: Mr. Deepak Kaushal, Senior Advocate with Mr. Abhishek Verma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

De-link from CWP No. 3151 of 2015.

List on 30.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) HPSEBL Vs. S.S. Dabas & connected matters.

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CWP No. 3066 of 2018 a/w CWP No. 432 of 2019 CWP No. 3066 of 2018 & CWP No. 432 of 2019
12.06.2024 Present: Mr. Dhananjay Sharma, Advocate, for the petitioners.

Mr. K.D. Sood, Senior Advocate with Mr. Het Ram Thakur, Advocate, for the respondents.

Ex. Petition No. 184 of 2020.

Mr. K.D. Sood, Senior Advocate with Mr. Het Ram Thakur, Advocate, for the petitioners.

Mr. Dhananjay Sharma, Advocate, for the respondents.

List on 26.06.2024.

Registry to print the name of Mr. Dhananjay Sharma, learned Counsel for the Electricity Board in the Cause List, henceforth.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 12, 2024 (hemlata) Four Lane Vistapit & Prabhavit Samiti Vs. State of .

H.P. & others.

13.06.2024 Present: Mr. Umesh Kanwar, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1 to 4.

Ms. Shreya Chauhan, Advocate, for respondent no. 5.

Mr. Balram Sharma, Deputy Solicitor General of India, for the respondent-UOI.

Learned Counsel for respondent no. 5-NHAI has not filed any status report as directed in the order dt. 01.04.2024, though almost two and half months have elapsed from the date of the said date. We deprecate this attitude of the NHAI in not filing status report, as directed by us in the said order. The NHAI shall also file a reply as to how deviation of the National Highway No. 21 was made without the requisite approvals of the various Departments of the State and Central Government.

The status report filed today by the learned Additional Advocate General is taken on record with regard to actions proposed to be initiated against the officers of the Forest Department found guilty in the Inquiry Report dt. 23.09.2023 submitted by the Divisional Forest Officer, Bilaspur to the Chief Conservator of Forests, Bilaspur.

One curious thing which we notice is that though .

illegal muck dumping is admitted in the reply filed by the 5 th respondent-NHAI at para no. 4 and only some amount is collected from the concessionaire of the NHAI for such illegal muck dumping in forest area, but no prosecution is initiated by the State of Himachal Pradesh either on concessionaire or other persons involved in the said muck dumping. The State shall explain this inaction on the next date of hearing.

List on 03.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 13, 2024 (hemlata) Court on its own motion Vs. State of H.P. & others .

13.06.2024 Present: Mr. Karun Negi, Advocate, as Amicus Curiae.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1 to 4- State.

Mr. Mukul Sharma, Advocate vice Mr. Virbahadur Verma, Advocate, for respondents no. 2 & 5.

Mr. Amit Sharma, Advocate, for respondent no. 3.

Action taken report filed today by the learned Additional Advocate General is taken on record.

Learned Amicus Curiae seeks time to go through the same.

List on 10.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 13, 2024 (hemlata) Gajendra Rawat Vs. UOI & others .

13.06.2024 Present: Mr. Shakti Bhardwaj, Advocate, vice Mr. Ravi Tanta, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No. 1.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 2 to 6- State.

Correct address of respondent no. 8 be furnished by the learned Counsel for the petitioner. Thereafter, notice be issued to the said respondent, on deposit of the fresh process fee, returnable within four weeks.

List on 31.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 13, 2024 (hemlata) Reckitt Benckiser (India) Ltd. Vs. State of H.P. & others a/w connected matters.

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CWP No. 7692 of 2011 a/w CWPs No. 1054 of 2013 & 6834 of 2021.

14.06.2024 Present: Mr. Jawahar Lal, Advocate with Ms. Diksha Thakur and Mr. Atul Jhingan, Advocates, for the petitioner(s).

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan, Deputy Advocate & Mr. Shalabh Thakur, Assistant Advocate General, for the respondents-State.

Learned Advocate General shall produce the record indicating that the case of the petitioners was in fact selected for scrutiny of the Return filed by the petitioners for relevant period by the competent Authority prescribed under the Act.

Reply be filed by the respondents in CWP No. 6834 of 2021 without fail, by the next date of hearing.

List on 26.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 14, 2024 (hemlata) Yashpal Vs. Principal Secretary (Art, Language & Culture) & others.

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14.06.2024 Present: Mr. Onkar Jairath, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan, Deputy Advocate & Mr. Shalabh Thakur, Assistant Advocate General, for respondents NO. 1 & 2-State.

Mr. Rahul Gathania, Advocate, for respondents no. 3 & 4.

Mr. Ajay Kumar, Advocate, for respondent no. 5.

This application is filed by the applicant-respondent no. 3 to place on record certain documents. The application is not opposed by the non-applicants. The same is accordingly allowed and the said documents are taken on record subject to proof and relevancy.

List the matter on 08.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 14, 2024 (hemlata) M/s Carlsberg India Pvt. Ltd. Vs. State of HP & others .

15.06.2024 Present: Mr. Sandeep Chilana, Advocate (through Video Conferencing) with Mr. Snehil Sharma and Mr. Ramanand Sharma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocate s General, for the respondents.

List on 02.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 15, 2024 (hemlata) Poonam Gehlot Vs. State of HP & others.

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17.06.2024 Present: None for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for the respondents-State.

r to Mr. Adarsh K. Vashista, Advocate, for respondent no.

Mr. Sunil Mohan Goel, Advocate, for respondent no.

Mr. Surya Chauhan, Advocate, vice Mr. Tara Singh Chauhan, Advocate, for respondent no. 8.

None for respondent no. 9.

The Secretary, Rural Development and the Secretary, Urban Development, Government of Himachal Pradesh shall hold a meeting with the respective Secretaries of the Gram Panchayats in the State and also the Municipal Councils alongwith the respective Deputy Commissioners to co-ordinate efforts in the State for management of the solid waste being generated and prevent it being dumped below National Highways or in water bodies.

Penal action against the miscreants be also taken appropriately and emphasis should be made on prevention instead of dealing with the problem after it arises keeping in view the laws pertaining to environment of respective Forest Act and the applicable Forest laws in question.

Reply be filed by the said Secretaries by the next date .

of hearing.

List on 12.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 17, 2024 (hemlata) Ms. Amayra Singh Vs. Manavinder Singh & others
FAO (OS) No. 04 of 2024.

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17.06.2024 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Arjun Lall & Mr. Aakash Thakur
Advocates, for the appellant.

Respondent No. 1 in person.

Mr. Ajay Kumar, Senior Advocate with Mr. Rohit, Advocate, for respondents no. 2 & 3.

FAO (OS) No. 04 of 2024 & CMP No. 9109 of 2024 Notice. Respondent no. 1 in person. Mr. Rohit,
Advocate, waives service of notice on behalf of respondents no. 2 & 3.

Heard the learned Co `unsel for the appellant/applicant and as well as the learned Counsel for
respondents no. 2 & 3.

Interim order in favour of the applicant had been in existence from 12.01.2022 to 31.05.2024 and in
the impugned order, the learned Single Judge appears to have expressed opinion on the merits of
the claim of the applicant including the maintainability of the suit, which prima-facie does not
appear to be warranted. There shall be interim direction as prayed for.

Reply be filed by the next date of hearing.

List on 18.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 17, 2024 (hemlata) SDO-cum-LAC Vs. Santosh Kumar.

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RFA N o. 451 of 2018 18.06.2024 Present: Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr.
Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan &
Mr. Arsh Rattan, Deputy Advocates General, for the appellant.

Mr. Jagan Nath, Advocate, for respondents no. 1, 2(a) to 2(c), 4(a) to 4(d), 5(a) to 5(d), 6(a) to 6(c)
11 (d-i) to 11(d-ii).

Mr. Abhishek Verma, Advocate, for respondents no.

7(a) to 7(b).

Mr. S.D. Sharma, Advocate for respondents no. 11(e) to 11(g).

Mr. Pawan Gautam, Advocate, for respondents no. 8(a) to 8(h), 9, 10(a) & 10(g).

Mr. Arun Kaushal, Advocate, for respondents no. 11(a) to 11(c) (though proceeded ex-parte.) List on 24.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 18, 2024 (hemlata) Supreety Jagota Vs. Hipesh Jagota .

18.06.2024 Present: Mr. Dibender Ghosh, Advocate, for the applicant/appellant.

Ms. Madhurika Sekhon, Advocate, for the respondent.

Reply filed by the respondent be placed on record.

List on 20.06.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 18, 2024 (hemlata) .

Pawan Vijay Vs. Saina Devi & another.

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18.06.2024 Present: Mr. Romesh Verma, Senior Advocate with Mr. Hitesh Thakur, Advocate, for the applicant/appellant.

Mr. Aditya Kauhsal, Advocate, for respondent no. 1.

This application is filed by the applicant/appellant seeking condonation of delay of 19 days in filing this appeal.

Though the learned Counsel for respondent no. 1 has opposed the condonation of delay, since the delay is not substantial and sufficient cause is shown in the application seeking condonation of delay, accepting the said reasons, this application is allowed and the said delay is condoned. The application stands disposed of.

Appeal be registered.

Notice be issued to the respondents in the Appeal.

Mr. Aditya Kaushal, Advocate, accepts notice for respondent no.

1. Notice be issued to respondent no. 2 returnable within three weeks on taking steps within one week.

List the appeal for admission on 09.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 18, 2024 (hemlata) Pawan Vijay Vs. Saina Devi & another.

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19.06.2024 Present: Mr. Romesh Verma, Senior Advocate with Mr. Hitesh Thakur, Advocate, for the applicant/appellant.

Mr. Aditya Kauhsal, Advocate, for respondent no. 1.

This application is filed by the applicant/appellant seeking condonation of delay of 19 days in filing this appeal.

Though the learned Counsel for respondent no. 1 has opposed the condonation of delay, since the delay is not substantial and sufficient cause is shown in the application seeking condonation of delay, accepting the said reasons, this application is allowed and the said delay is condoned. The application stands disposed of.

Appeal be registered.

Notice be issued to the respondents in the Appeal.

Mr. Aditya Kaushal, Advocate, accepts notice for respondent no.

1. Notice be issued to respondent no. 2 returnable within three weeks on taking steps within one week.

List the appeal for admission on 09.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 19, 2024 (hemlata) IFCI Ltd. & others Vs. M/s Him Ispat Ltd. & others.

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19.06.2024 Present: Mr. Aman Sood, Advocate, for the appellants.

Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Amita Chandel, Advocate, for respondent no. 1.

Mr. Bharat Thakur and Mr. Harsh Kalta, Advocates, for respondents no. 2 to 15.

Mr. Umesh Kanwar, Advocate, for respondents no. 16, 17, 19 to 103 and legal representatives of deceased respondents no. 18, 34 & 39.

Mr. J.S. Bagga, Advocate, for respondent no. 105.

Co. Applications no. 6 & 7 of 2024 Notice. Mr. Umesh Kanwar, Advocate, accepts notice for the legal representatives of deceased respondents no. 34 & 39. He states that he will file Power of Attorney by the next date of hearing. Reply, if any, be filed by the next date of hearing.

Co. Applications No. 18 & 19 of 2023.

Co. Application No. 18 of 2023 is filed to bring on record the legal representatives of deceased respondent no. 18 and Co. Application No. 19 of 2023 is filed to condone the delay in seeking abatement caused due to the death of respondent no. 18.

In these applications, notice had been ordered to be issued on 06.12.2023. Mr. Umesh Kanwar, Advocate, states that he has been instructed to appear on behalf of the said proposed parties and that the applications be ordered. Accordingly, both the .

applications are ordered.

Amended memo of parties be filed by the next date of hearing.

List the matter on 07.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 19, 2024 (hemlata) State of HP & others Vs. Yog Raj a/w connected matters.

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LPA No. 194 of 2023 a/w CWPOA No. 5740 of 2020 & CWPs no. 5663, 6475, 6476 of 2022, CWPs No. 1756, 1759, 1809, 1897 & 2821 of 2023.

19.06.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the

appellants.

Mr. Onkar Jairath, Advocate, for respondents no. 1, 53, 54, 87, 104 & 115 to 117.

Mr. R.L. Chaudhary, Advocate, for the applicants in CMP No. 11216 of 2023.

Mr. Onkar Jairath, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Mr. Onkar Jairath, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

CWPs No. 6475 & 6476 of 2022 None for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant .

Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

CWPs no. 1756 & 1759 of 2023 Mr. R.L. Chaudhary, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

None for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Mr. Prashant Sharma and Mr. Ajit Sharma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Mr. Vikas Rajput, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for .

the respondents-State.

List on 04.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 19, 2024 (hemlata) Sanjana Chauhan Vs. Central Board of Secondary Education & another.

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19.06.2024 Present: Mr. Vikrant Chandel, Advocate, for the petitioner.

Ms. Komal Chaudhary, for respondent No. 1.

At the request of learned Counsel for the petitioner, list on 24.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 19, 2024 (hemlata) Poonam Gehlot Vs. State of HP & others.

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19.06.2024 Present: Mr. Abhimanyu Rathor, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Learned Counsel for the petitioner shall file suggestions which can be considered by the respondents for implementation.

List on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 19, 2024 (hemlata) Deshinder Khanna Vs. State of H.P. & others a/w connected matters.

CWP No. 83 of 2018 a/w CWPIL No. 13 of 2015 & 19.06.2024 Present: Mr. Deven Khanna, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1 to 5.

Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1 to 3.

Mr. T.S. Chauhan, Advocate, for respondent no. 14.

CWPIL No. 27 of 2017.

Ms. Devyani Sharma, Senior Advocate as Amicus Curiae with Mr. Anirudh Sharma, Advocate.

Mr. Ashwani Pathak, Senior Advocate with Mr. Dev Raj, Advocate, for respondents no. 1 & 2.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 3 & 4.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 5.

Ms. Amita Chandel, Advocate vice Ms. Rachna Kuthiala, Advocate, for the applicants in CMP No. 10638 of 2017.

Ms. Srishti Chauhan, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Suggestions given by the learned Amicus Curiae in CWPIL No. 27 of 2017 have been perused. Learned Additional Advocate General assures that the State Government will examine the said suggestions and implement the same to the extent possible.

The State shall also take note of the Policy framed by it on 10.02.2022 named as "Himachal Pradesh Integrated Drug Prevention Policy" to monitor/curb the problem of drug abuse in the State in all respects, rehabilitation of drug addicts, alternate livelihood generation for people indulged in illicit cultivation of Cannabis and Opium etc. Status report regarding implementation of the said Policy be filed by the next date of hearing.

List on 31.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 19, 2024 (hemlata) .

20.06.2024 Present: Mr. Abhimanyu Rathor, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Learned Counsel for the petitioner shall file suggestions which can be considered by the respondents for implementation.

List on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 20, 2024 (hemlata) .

21.06.2024 Present: Mr. Abhimanyu Rathor, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents-State.

Learned Counsel for the petitioner shall file suggestions which can be considered by the respondents for implementation.

List on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 21, 2024 (hemlata) Ashok Kumar Sood & others vs. Rajesh Kumar .

Sood & others 21.06.2024 Present: Mr. Ankush Dass Sood, Senior Advocate with Mr. Gaurav Chaudhary, Advocate, for the appellant.

Mr. Ajay Kumar, Senior Advocate with Mr. Rohit, Advocate, for LRs 1(i), 1(ii), 1(iv).

Mr. Rajnish Maniktala, Senior Advocate with Mr. Dinkar Bhaskar, Advocate, for respondent no.4 and 5.

CMP No. 15138 of 2019.

The application is dismissed as infructuous as submitted by learned Counsel for the applicant.

CMPs No. 16653, 15273/2019, 4374, 11542, 8090/2020, 11542 & 10540/ be listed alongwith the appeal.

Ordered. The list of events filed by the applicant is taken on record with just exceptions. The application stands disposed of.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 21, 2024 (hemlata) Ajay Sipahiya & others Vs. State of H.P. & others .

25.06.2024 Present: None for the petitioners.

Mr. Rajnish Maniktala, Senior Advocate with Mr. Dinkar Bhaskar, Advocate, for the intervener.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1, 2, 4 to 7.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 8.

Heard the learned Advocate General and perused the instructions dt. 24.06.2024 issued by the Secretary (Health) to the Government of Himachal Pradesh to the learned Advocate General with regard to operationalizing the Trauma Center Level-I at IGMC, Shimla.

2. Learned Advocate General, on instructions, states that the Fire Department would make an inspection of the building constructed for the Trauma Center and it is expected that within 30 days from today, Fire Department's clearance would be granted.

3. It is also stated that furniture required for the Trauma Block at IGMC has already been procured and installed with the assistance of the H.P. Medical Services Corporation Ltd.

4. As regards machinery & equipments to be installed in the Trauma Centre, IGMC, Shimla is concerned, it is stated that equipment to the tune of Rs. 7.00 crore has already been procured .

and for certain other machinery, supply orders have been issued and deliveries are expected. For two other items i.e. the Central ICU Monitoring System and ICU Ventilator (6), matter is still pending consideration.

5. The learned Advocate General assures that decision with regard to these two items will be taken within two weeks and process of procurement of the same shall be initiated at the earliest.

6. As regards filling up of various posts of different categories to be created as per norms in the Trauma Centre IGMC, Shimla is concerned, it is stated that certain posts had been sanctioned through Notification dt. 17.06.2021 and also Notification dt. 05.08.2023. It is stated that some posts mentioned in the said Notifications have already been filled up and steps have already been taken to fill up the other posts as well. It is also stated that Causality Medical Officers will be posted from those already available in the IGMC, Shimla and steps will also be taken at the earliest to fill up the posts of Matrons, Physiotherapists, Ward Sisters, Operation Theater Assistants, Senior Assistants-cum-

Store Keepers, Dietitians etc. within two months.

7. As regards Staff Nurses, it is stated that out of 110 required to run this Trauma Centre, 60 Staff Nurses have joined on deployment basis from AIMSS, Chamiana Shimla to IGMC Shimla during August, 2023 for EMD/Trauma Centre, IGMC Shimla, .

though six have left subsequently.

8. Learned Additional Advocate General assures that 213 posts sought to be filled up on outsource basis, would be filled up by the said category of persons within two weeks of the Trauma Centre becoming functional. He assures that within three months, the Trauma Centre in IGMC, Shimla will be made operational.

9. As regards Dr. Rajendra Prasad Government Government Medical College and Hospital at Tanda (Kangra) where a Trauma Centre Level-II is sought to be established is concerned, some posts appear to have been sanctioned by the State Government on 21.06.2024 for deployment and utilization exclusively at the said Centre and there is also a proposal noted by the Secretary (Health) to the Government of Himachal Pradesh addressed to the Director of Medical Education and Research to hire persons such as Staff Nurses etc. on outsource basis etc. as service providers. The process for filling up the posts sanctioned in both categories shall be completed within three months.

10. The status report with regard to completion of construction work of the Trauma Centre at Dr. Rajendra Prasad Government Government Medical College and Hospital at Tanda (Kangra), purchase of equipments and procurement in the said Centre and completion of recruitment process in the said Centre shall be filed by the Secretary Health.

11. Similar status report with regard to Pt. JLNGMC .

Chamba where a level-III Trauma Centre is sought to be established, shall also be filed by the next date of hearing.

12. List on 09.07.2024 r to (M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 25, 2024 (hemlata) LAC Vs. Ram Lal & others a/w connected matters.

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RFA No. 1 of 2016 a/w RFA Nos. 400 to 402 of 2015 & 7 of 2016.

26.06.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the appellants in all the matters.

Mr. O.C. Sharma, Advocate, for the respondents in all the matters.

CMPs No. 809 & 810 of 2024 in RFA No. 1 of 2016 CMPs No. 807 & 808 of 2024 in RFA No. 400 of CMPs No. 805 & 806 of 2024 in RFA No. 7 of 2016 Notice be issued to the respondents/non-applicants returnable within four weeks, on taking steps within one week.

It is stated by learned Counsel for the respondents that respondent No. 4 in RFA no. 01 of 2016 is no more.

Learned Counsel for the respondents shall serve on the learned Additional Advocate General detail of death of deceased respondent no. 4 as well as name and address of the legal representatives of the said respondent within one week.

List on 17.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 26, 2024 (hemlata) .

Ankush Kumar Vs. Shikha Choudhary .

26.06.2024 Present: Mr. Dheeraj K. Verma, Advocate, for the petitioner.

Notice be issued to the respondent returnable within four weeks on taking steps within one week.

Learned Counsel for the petitioner shall also place on record certain documents by the next date of hearing.

List on 24.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 26, 2024 (hemlata) Neeraj Kumar & others VS. Union of India & others

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26.06.2024 Present: Mr. Sunny, Advocate vice Mr. Hirdya Ram, Advocate, for the petitioners.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondents no. 1 to 5.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 6 to 9 & 11-State.

Print the name of Mr. Vasu Sood and Mr. Ganesh Barowalia, learned Counsel for the applicants in CMP No. 9525 of 2024.

List on 03.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 26, 2024 (hemlata) Gram Panchayat Pahlua Vs. State of H.P. & others.

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26.06.2024 Present: Mr. Rajiv Jiwan, Senior Advocate with Mr. Vijay Panchta and Mr. Hitender Verma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for respondents no. 1 to 4 & 6.

Mr. Maan Singh, Advocate, for respondent No. 5.

Mr. Shrawan Dogra, Senior Advocate with Mr. Prashant Sharma, Advocate, for respondent no. 7.

Learned Counsel for the 7th respondent seeks more time to place on record certain documents. He shall serve copy of the same on the learned Counsel for the petitioner in advance.

List on 23.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 26, 2024 (hemlata) Ominder Singh Vs. Ajay Dabra .

26.06.2024 Present: Mr. Vinay Kuthiala, Senior Advocate with Ms. Vandana Kuthiala and Mr. Diwan Singh Negi, Advocates, for the appellant.

Ms. Meera Devi, Advocate, for the respondent.

Arguments heard. Judgment reserved.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 26, 2024 (hemlata) VVF (India) Ltd. Vs. HP State Biodiversity Board & others .

27.06.2024 Present: Ms. Shradha Karol, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General & Mr. Shalabh Thakur, Assistant Advocate General, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondents no. 4 & 5.

CWP No. 5880 of 2024 & 9942 of 2024 Notice. Mr. Rakesh Dhaulta, learned Additional Advocate General, accepts notice for respondents no. 1 to 3 and Mr. Balram Sharma, learned Deputy Solicitor General of India, accepts the same for respondents no. 4 & 5.

Having regard to the order dt. 24.05.2024, passed in CMP no. 4846 of 2024 in CWP no. 3051 of 2024 and for the reasons alike, there shall be interim stay as prayed for.

Reply be filed by the next date.

List alongwith CWP No. 3051 of 2024 on 12.08.2024.

The application is disposed of with a direction to .

the applicant/petitioner to file true typed copies of the documents in question by the next date of hearing.

r to (M.S. Ramachandra Rao)
Chief Justice.

(Satyen Vaidya)
Judge

June 27, 2024

(hemlata)

Court on its own motion Vs. State of H.P. & others a/w connected matter.

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CMP No. 4841 of 2023 in CWPIL No. 34 of 2011 a/w CWP No. 334 of 2022 27.06.2024 Present:
Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General & Mr. Shalabh Thakur, Assistant Advocate General, for the respondents- State.

Mr. Balram Sharma, Deputy Solicitor General of India, for the respondent-UIO.

Ms. Ragini Dogra, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan, Mr. Arsh Rattan, Mr. Sidharth Jalta, Deputy Advocates General & Mr. Shalabh Thakur, Assistant Advocate General, for the respondents- State.

Mr. Mukul Sood, Advocate, for respondent no. 5- M.C. Shimla.

M.C. Shimla as well as the State Forest Department shall indicate the status on controlling the monkey menace as well as the dog menace in the State in consultation with the Animal Welfare Board as well as the .

Colleges of Veterinary and Animal Sciences located within the State. Status report in this regard be filed by the next date.

CMP No. 9484 of 2024 in CWP No. 334 of 2022 M.C. Shimla shall file reply to the said application. r
List on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge June 27, 2024 (hemlata) .

M/s Kundlas Loh Udyog Vs. Union of India & others.

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01.07.2024 Present: Mr. J.S. Bedi and Mr. Goverdhan Lal Sharma, Advocates, for the petitioner.

Mr. Lokender Paul Thakur, Senior Panel Counsel, for respondent no. 1.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for respondent no. 2.

Mr. Vijay Kumar Arora and Ms. Lalita Sharma, Advocates, for respondents no. 3 to 6.

CWP No. 5996 of 2024 & CMP No. 10150 of 2024 Mr. Lokender Paul Thakur, learned Senior Panel Counsel, Mr. Arsh Rattan, learned Deputy Advocate General and Mr. Vijay Kumar Arora, Advocate, accept notice for respondent no. 1, respondent no. 2 and respondents no. 3 to 6, respectively.

List on 16.09.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge July 01, 2024 (hemlata) .

M/s Prime Steel Industries Pvt. Ltd. Vs. UOI & others .

01.07.2024 Present: Mr. J.S. Bedi and Ms. Shikha Rajta, Advocates, for the petitioner.

Mr. Lokender Paul Thakur, Senior Panel Counsel, for respondent no. 1.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for respondent no. 2.

Mr. Vijay Kumar Arora and Ms. Lalita Sharma, Advocates, for respondents no. 3 to 6.

CWP No. 6069 of 2024 & CMP No. 10256 of 2024 Mr. Lokender Paul Thakur, learned Senior Panel Counsel, Mr. Arsh Rattan, learned Deputy Advocate General and Mr. Vijay Kumar Arora, Advocate, accept notice for respondent no. 1, respondent no. 2 and respondents no. 3 to 6, respectively.

List on 16.09.2024. Reply, if any, be filed in the meanwhile.

The application is disposed of with a direction to the applicant/petitioner to file translated copies of Annexure P-3 by the next date of hearing.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) .

Judge July 01, 2024 (hemlata) M/s HM Steels Ltd. Vs. UOI & others .

01.07.2024 Present: Mr. J.S. Bedi and Ms. Shikha Rajta, Advocates, for the petitioner.

Mr. Lokender Paul Thakur, Senior Panel Counsel, for respondent no. 1.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for respondent no. 2.

Mr. Vijay Kumar Arora and Ms. Lalita Sharma, Advocates, for respondents no. 3 to 6.

CWP No. 6070 of 2024 & CMP No. 10258 of 2024 Mr. Lokender Paul Thakur, learned Senior Panel Counsel, Mr. Arsh Rattan, learned Deputy Advocate General and Mr. Vijay Kumar Arora, Advocate, accept notice for respondent no. 1, respondent no. 2 and respondents no. 3 to 6, respectively.

List on 16.09.2024. Reply, if any, be filed in the meanwhile.

The application is disposed of with a direction to the applicant/petitioner to file translated copies of Annexure P-4 by the next date of hearing.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge July 01, 2024 (hemlata) .

Lov Vij Vs. Income Tax Officer & others .

CWP 5979 of 2024 01.07.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Praveen Sharma, Advocate, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Lokender Paul Thakur, Senior Panel Counsel, for respondent no. 4.

CWP No. 5979 of 2024 & CMP No. 10125 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Lokender Paul Thakur, learned Senior Panel Counsel, accept the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-2 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala .

Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-

assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., proceedings under Section 148A of the Act.

27. In the present case, both the .

proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 in paragaph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is .

mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources.

Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th February 23023 being F No. 370153/7/2023 TPL which has been dealt with above.

Therefore, no reliance can be placed on the .

said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-2, notice issued to the petitioner, till the next date of hearing.

6. List on 12.08.2024 Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 01.07.2024 (hemlata) Lov Vij Vs. Income Tax Officer & others .

CWP 5981 of 2024 01.07.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Praveen Sharma, Advocate, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Lokender Paul Thakur, Senior Panel Counsel, for respondent no. 4.

CWP No. 5981 of 2024 & CMP No. 10127 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Lokender Paul Thakur, learned Senior Panel Counsel, accept the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-2 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala .

Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid

two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-

assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., proceedings under Section 148A of the Act.

27. In the present case, both the .

proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 in paragraph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is .

mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources.

Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th February 23023 being F No. 370153/7/2023 TPL which has been dealt with above.

Therefore, no reliance can be placed on the .

said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-2, notice issued to the petitioner, till the next date of hearing.

6. List on 12.08.2024 Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 01.07.2024 (hemlata) Suman Thakur Vs. Deputy Commissioner of Goods & Service Tax & another.

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01.07.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Praveen Sharma, Advocate, for the petitioner.

Mr. Vijay Arora and Ms. Lalita Sharma, Advocates, for respondent no. 1.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & r Mr. Arsh Rattan, Deputy Advocates General, for respondent No. 2.

CWP No. 5980 of 2024 & CMP No. 10126 of 2024 Notice to the respondents. Mr. Vijay Arora, Advocate, accepts notice for respondent no. 1 and Mr. Sushant Kaprate, learned Additional Advocate General, accepts the same for respondent no. 2.

2. prima-facie, the impugned order dt. 28.09.2023 cannot be sustained having regard to the fact that in the show cause notice issued on 24.07.2023, time for filing reply was given upto 27.10.2023. Therefore, there shall be interim stay, as prayed.

List on 11.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 01.07.2024 (hemlata) Ram Krishan (deceased) through Lrs Balbir Singh & others vs. State of HP & others .

03.07.2024 Present: Mr. Basant Pal Thakur, Advocate, for the appellants.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for respondent r No. 2.

None for respondents no. 3 to 10.

List on 05.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 03.07.2024 (hemlata) Ram Krishan (deceased) through Lrs Balbir Singh & others vs. State of HP & others .

04.07.2024 Present: Mr. Basant Pal Thakur, Advocate, for the appellants.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for respondent r No. 2.

None for respondents no. 3 to 10.

List on 05.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 04.07.2024 (hemlata) Mushtaq Ahmad Vs. State of HP & others .

08.07.2024 Present: None for the Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for respondent No. 2.

r None for respondents no. 3 to 10.

List on 05.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 08.07.2024 (hemlata) Sunita Devi Vs. State of HP & others .

09.07.2024 Present: None for the petitioner.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General with Ms. Priyanka Chauhan & Mr. Arsh Rattan, Deputy Advocates General, for respondent No. 2.

r None for respondents no. 3 to 10.

List on 05.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 09.07.2024 (hemlata) Jai Ma Bhgawani Transport Vs. State of H.P. & others.

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09.07.2024 Present: Mr. Bhupender Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate, for the petitioner.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General.

CWP No. 6455 of 2024 & CMP No. 10915 of 2024.

Notice to the respondents. Mr. Pranay Pratap Singh, learned Additional Advocate General, accepts notice for the respondents.

Prima-facie, the impugned proceedings dt.

01.07.2024 (Annexure P-2), issued by the 3rd respondent to the petitioner awarding contract for leasing out Water Sports Complex at Talera, Chamba District, Himachal Pradesh on a rate quoted by the higher bidder when the petitioner did not make such a quotation, is not in tune with Rule 147(ii)(f) of the H.P. Financial Rules, 2009, since the said Rule only entitles the respondents to make an offer to the next highest bidder such as the petitioner to accept the award at the price offered by the highest bidder. But there is no obligation on the next highest bidder such as the petitioner to accept it on the terms offered by the respondents when he never quoted what was quoted by the highest bidder.

Therefore pending further orders, the respondents .

are restrained from initiating any action which would be prejudicial to the rights of the petitioner, being the most highest bidder.

List on 21.08.2024. Reply be filed in the meanwhile.

The application is disposed of with a direction to the applicant/petitioner to file typed copies of the documents in question by the next date of hearing.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge July 09, 2024 (hemlata) .

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Kamlesh Saklani Vs. Vardhman Ispat 09.07.2024 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the appellant.

Admit.

Issue post admission notice to the respondent returnable within four weeks, on taking steps within one week.

List in due course.

Interim stay of the impugned order as regards payment of fine.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge July 09, 2024 (hemlata) Govind Singh Vs. Income Tax Officer & others .

CWP No. 6448 of 2024.

09.07.2024 Present: Mr. Vishal Mohan, Senior Advocate with Mr. Sushant Kaprate and Mr. Aditya Sood, Advocates, for the petitioner.

Mr. Neeraj Sharma and Mr. Ishaan Kashyap, Advocates, for respondents no. 1 to 3.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent no. 4.

CWP No. 6448 of 2024 & CMP No. 10902 of 2024.

Notice to the respondents. Mr. Ishaan Kashyap, Advocate, accepts notice for respondents no. 1 to 3 and Mr. Balram Sharma, Deputy Solicitor General of India, accepts the same for respondent no. 4.

2. Prima-facie, we are of the view that the impugned notice, Annexure P-2 issued under Section 148 of the Income Tax Act, 1961 by the 1st respondent, who is the Jurisdictional Officer, is wholly without jurisdiction having regard to Section 151-A, introduced in the Income Tax Act, 1961 w.e.f. 01.11.2020 and the notification issued on 28.03.2022 thereunder, which specifically contemplates that there would be automated allocation system in accordance with risk management strategy formulated by the CBDT and it is not the case of the revenue that the 1 st respondent is an officer who has been so randomly allocated as per the Scheme.

3. Similar view has been taken by the Telangana High .

Court in a judgment dt. 14.09.2023, rendered in CWP No. 25903 of 2023 and other connected matters, titled as Kankanala Ravindra Reddy Vs. Income Tax Office and two others in paras 25 to 27 & 31, which read as under:

"25. A plain reading of the aforesaid two notifications issued by the Central Board of Direct Taxes dated 28.03.2022 and 29.03.2022, it would clearly indicate that the Central Board of Direct Taxes was very clear in its mind when it framed the aforesaid two schemes with respect to the proceedings to be drawn under Section 148A, that is to have it in a faceless manner. There were two mandatory conditions which were required to be adhered to by the Department, firstly, the allocation being made through the automated allocation system in accordance with the risk management strategy formulated by the Board under Section 148 of the Act. Secondly, the re-assessing has to be done in a faceless manner to the extent provided under Section 144B of the Act.

26. After the introduction of the above two schemes, it becomes mandatory for the Revenue to conduct/initiate proceedings pertaining to reassessment under Section 147, 148 & 148A of the Act in a faceless manner. Proceedings under Section 147 and

Section 148 of the Act would now have to be taken as per the procedure legislated by the Parliament in respect of reopening/re-assessment i.e., .

proceedings under Section 148A of the Act.

27. In the present case, both the proceedings i.e., the impugned proceedings under Section 148A of the Act, as well as the consequential notices under Section 148 of the Act were issued by the local jurisdictional officer and not in the prescribed faceless manner. The order under Section 148A(d) of the Act and the notices under Section 148 of the Act are issued on 29.04.2022, i.e., after the "Faceless Jurisdiction of the Income Tax Authorities Scheme, 2022."

and the "e-Assessment of Income Escaping Assessment Scheme, 2022 were introduced.

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31. It is well settled principle of law that where the power is given to do certain things in certain way, the thing has to be done in that way alone and no any other manner which is otherwise not provided under the law."

4. The Bombay High Court in a judgment dt.

03.05.2024, rendered in Writ Petition No. 1778 of 2023, titled as Hexaware Technologies Ltd. Vs. Assistant Commissioner of Income Tax & others, has also taken a similar view in paras 35 & 39, which read as under:

"35.....The Scheme dated 29th March 2022 .

in paragraph 3 clearly provides that the issuance of notice "shall be through automated allocation" which means that the same is mandatory and is required to be followed by the Department and does not give any discretion to the Department to choose whether to follow it or not. That automated allocation is defined in paragraph 2(b) of the Scheme to mean an algorithm for randomised allocation of cases by using suitable technological tools including artificial intelligence and machine learning with a view to optimise the use of resources. Therefore, it means that the case can be allocated randomly to any officer who would then have jurisdiction to issue the notice under Section 148 of the Act. It is not the case of respondent no. 1 that respondent no. 1 was the random officer who had been allocated jurisdiction.

36 to 38.....

39. With reference to the decision of the Hon'ble Calcutta High Court in Triton Overseas Private Limited (Supra), the Hon'ble Calcutta High Court has passed the order without considering the Scheme dated 29 th March 2022 as the said Scheme is not referred to in the order. Therefore, the said judgment cannot be treated as a precedent or relied upon to decide the jurisdiction of the Assessing Officer to issue notice under Section 148 of the Act. The Hon'ble Calcutta High Court has referred to an Office Memorandum dated 20 th .

February 23023 being F No. 370153/7/2023 TPL which has been dealt with above. Therefore, no reliance can be placed on the said Office Memorandum to justify that the JAO has jurisdiction to issue notice under Section 148 of the Act. Further the Hon'ble Telangana High Court in the case of Kankanala Ravindra Reddy vs. Income Tax Officer has held that in view of the provisions of Section 151A of the Act read with the Scheme dated 29th March, 2022 the notices issued by the JAOs are invalid and bad in law. We are also of the same view."

5. Therefore, there shall be interim stay of all further proceedings pursuant to Annexure P-2, notice issued to the petitioner, till the next date of hearing.

6. List on 17.09.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge July 09, 2024 (hemlata) O.P. Chauhan Vs. Union of India & others .

10.07.2024 Present: Ms. Shikha Chauhan, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for the respondents.

Learned Deputy Solicitor General of India seeks time to file reply giving details of notice(s), if any, issued by the respondents to the petitioner for submission of certain documents as a pre-condition for release of retiral benefits. Any other defence is also permitted to be taken in the reply.

List on 03.10.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 10.07.2024 (hemlata) Vikram Singh Vs. State of H.P. & others .

10.07.2024 Present: Mr. Tara Singh Chauhan, Advocate, for the appellant.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-

State.

Mr. Yogesh Putney, Advocate, for respondent no. 5.

De-linked from LPA No. 6 of 2024.

Learned Counsel for the appellant seeks time to implead the father of the appellant as a party in the appeal. He is permitted to do so.

List on 07.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 10.07.2024 (hemlata) Gram Panchayat Old Manali Vs. State of HP & others .

11.07.2024 Present: None for the petitioner.

Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 1 to 4 & 6.

Mr. R.L. Sood, Senior Advocate with Ms. Sanjivini Sood, Advocate, for respondent no. 5.

Mr. Sarthak Mehta, Advocate, for respondent no. 7.

Mr. C.N. Singh, Advocate, for respondent no. 8.

Mr. Bimal Gupta, Senior Advocate with Mr. Aman Thakur, Advocate, for respondents no. 9 & 10.

List on 30.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 11.07.2024 (hemlata) Om Prakash Aggarwal & another Vs. Ramji Dass & others.

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FAO (OS) No. 06 of 2024.

11.07.2024 Present: Mr. Manik Sethi, Advocate, for the appellants.

List on 12.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

11.07.2024

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to

(Satyen Vaidya)
Judge

(hemlata)

Abhimanyu Rathore Vs. State of HP & others .

15.07.2024 Present: Petitioner in person.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 1 & 2.

Mr. Vinay Kuthiala, Senior Advocate with Mr. Mukul Sood and Mr. Diwan Singh Negi, Advocate, r for respondent no. 3.

Mr. Dhananjay Sharma, Advocate, for respondent no. 4.

Ms. Shilpa Sood, Advocate, for respondents no. 5 & Mr. Neeraj Gupta, Senior Advocate with Mr. Vedhant Ranta, Advocate, for respondents no. 7 & CMP No. 9987 of 2024.

Reply, if any, be filed by next date.

List on 01.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Bipin C. Negi) Judge 15.07.2024 (hemlata) Bal Krishan Vs. State of H.P. & others.

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15.07.2024 Present: Mr. Abhimanyu Rathore, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents.

List on 31.07.2024. Additional reply shall be filed by the respondents by the said date.

(M.S. Ramachandra Rao) Chief Justice.

(Bipin C. Negi) Judge 15.07.2024 (hemlata) Sarla Devi Vs. State of HP & others.

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15.07.2024 Present: Ms. Babita, Advocate vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents.

Mr. Rangil Singh, Advocate, for respondent no. 4.

List on 25.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Bipin C. Negi) Judge 15.07.2024 (hemlata) Court on its own motion Vs. State of HP & others.

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CWPIL N o. 62 of 2022 15.07.2024 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents.

r Status report dt. 12.07.2024 filed by the Executive Engineer, B&R Division, HP PWD, Kotkhai is placed on record.

In the said report, it is stated that metalling and tarring work has been completed in a length of 5.00 km and laying of Grade-II has been completed in a length of 6.200 km.

An assurance is given that by September, 2024, the entire stretch of road would be laid (as per the statement of the 4 th respondent in the affidavit of January, 2024 and Annexure thereto.) List on

03.10.2024. Fresh status report be filed by the said date.

(M.S. Ramachandra Rao) Chief Justice.

(Bipin C. Negi) Judge 15.07.2024 (hemlata) Hira Lal Gandhi & another Vs. State of HP & others .

16.07.2024 Present: Mr. Adarsh K Vashista, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents.

CWP No. 6693 of 2024 & CMP No. 11386 of 2024 Notice to the respondents. Mr. Pranay Pratap Singh, learned Additional Advocate General, accepts notice for the respondents.

List alongwith CWP no. 6487 of 2024 on 09.09.2024. Reply, if any, be filed in the meanwhile.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 16.07.2024 (hemlata) Sanjeevan Singh Vs. State of HP & others.

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16.07.2024 Present: Mr. Abhishek Dulta, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 1 to 4.

Mr. Virbahadur Verma, Advocate, for respondent no. 5.

Mr. Sumeet Raj Sharma, Advocate, for respondents no. 6 & 7.

Matter is released. List for re-hearing on 28.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 16.07.2024 (hemlata) State of HP & others Vs. Teju Ram a/w connected matters.

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CWPs No. 1252 of 2017 & 7837 of 2022 19.07.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates

General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the petitioners-State.

r Ms. Shreya Chauhan, Advocate, for the respondent.

Mr. Rakesh Chauhan, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents.

Arguments heard. Judgment reserved.

(M.S. Ramachandra Rao) Chief Justice.

(Ajay Mohan Goel) Judge (Bipin C. Negi) Judge 19.07.2024 (hemlata) Sanjay Mandyal VS. Gopal Singh Kanwar & others .

22.07.2024 Present: None for the applicant/appellant.

List on 23.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 22.07.2024 (hemlata) Manoj Kumar Vs. State of HP & others.

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CWP No. 5385 of 2024.

22.07.2024 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents.

Reply filed by the respondents be placed on record.

List on 08.08.2024. Rejoinder, if any, be filed in the meantime.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 22.07.2024 (hemlata) Shri Bhagmal Vs. The Registrar, Co-operative Societies, HP & others.

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CWP No. 1069 of 2024.

22.07.2024 Present: Mr. Rakesh Kumar Dogra, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy r Advocates General, for respondent no. 1.

Mr. Sunil Mohan Goel, Advocate, for respondents no. 2 to 4.

Learned Counsel for respondents no. 2 to 4 wants to respond to the petitioner's allegations in CMP no. 12005/2024 as to why the petitioner is not being paid the subsistence allowance.

List on 01.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 22.07.2024 (hemlata) Janesh Mahajan Vs. State of HP & others.

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22.07.2024 Present: Mr. Nitin Thakur, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 1 & 4.

r Mr. Maan Singh, Advocate, for respondent no. 2.

Mr. Adarsh K Vashista, Advocate, for respondent no. 3.

Mr. Adarsh Sharma and Mr. Ashwani Kaundal, Advocates, for respondents no. 5 & 6.

List on 12.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 22.07.2024 (hemlata) HPSEBL & another Vs. Tek Chand .

24.07.2024 Present: Ms. Sunita Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for the appellants.

Mr. Ravinder Jaswal, Advocate, for the respondent.

At the request of learned Counsel for the appellants, list on 24.09.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 24.07.2024 (hemlata) Dr. Gunraj Singh Mehta & others Vs. State of HP & others.

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24.07.2024 Present: Mr. Hirdya Ram, Advocate, for the appellants.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents/State.

Ms. Shreya Chauhan, Advocate, for respondents no. 6 & 7.

List on 25.07.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 24.07.2024 (hemlata) Vipin Kumar Guleria Vs. State of HP & others.

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24.07.2024 Present: Mr. R.L. Chaudhary, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents/State.

Further time is sought for filing reply.

List on 27.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 24.07.2024 (hemlata) Himinder Lal & others Vs. Madan Lal & others .

24.07.2024 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Jaswal, Advocate, for the appellants.

Mr. R.K. Bawa, Senior Advocate with Mr. Ajay Kumar, Advocate, for respondents no. 1 to 4.

Learned Counsel for respondents no. 1 to 4 seeks time for filing reply.

r to
List on 28.08.2024.

(M.S. Ramachandra Rao)
Chief Justice.

(Satyen Vaidya)
Judge

24.07.2024
(hemlata)

Court on its own motion Vs. State of HP & others .

24.07.2024 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents/State.

Status report has been filed by the learned Advocate General regarding transfer of land in the name of the Judiciary relating to ten Districts in the State. The same shall be examined by the Registry of this Court.

Learned Advocate General shall also file status report regarding transfer of land in the name of other two Districts, i.e. Kangra and Solan by the next date of hearing.

List on 21.08.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 24.07.2024 (hemlata) Gram Panchayat Bharmaur Vs. State of HP & another .

24.07.2024 Present: Ms. Anubhuti Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents/State.

List on 05.08.2024 for filing reply to the application to vacate the interim order.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 24.07.2024 (hemlata) Mohar Singh Vs. State of HP & others .

24.07.2024 Present: Mr. Chander Shakhar Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Additional Advocates General with Mr. Arsh Rattan & Ms. Priyanka Chauhan, Deputy Advocates General, for respondents no. 1 to 3.

Mr. Mandeep Chandel, Advocate, for respondents no. 4 to 9.

List on 20.08.2024, by which date the learned Additional Advocate General shall comply with the order dt.

25.04.2024.

(M.S. Ramachandra Rao) Chief Justice.

(Satyen Vaidya) Judge 24.07.2024 (hemlata)