

IN THE HIGH COURT OF DELHI AT NEW DELHI

W. P. (C) 7028/2010

VODAFONE ESSAR LTD

..... PETITIONER

Through Mr. M. S. Syali, Sr. Advocate with
Mr. Peeyoosh Kalra, Mr. Sumit Singh, Ms. H. Syali, Advs

Versus

DISPUTE RESOLUTION PANEL – II & Ors

..... RESPONDENTS

Through Mr. Sanjeev Sabhrawal, Adv

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MANMOHAN

ORDER

02.12.2010

Heard Mr. Syali, learned senior counsel for the petitioner and Mr. Sanjeev Sabhrawal, learned standing counsel for the revenue.

By this writ petition, the petitioner has prayed for issue of a writ of certiorari for quashment of the order dated 30th September 2010 passed by the Dispute Resolution Panel –II, the first respondent herein. What could have been a matter of debate was put to rest by Mr. Sanjeev Sabhrawal, learned counsel for the revenue by stating that the order passed on 30th September 2010, contained in Annexure – P1 deserves to be quashed and the matter be remanded to the said authority for fresh adjudication.

In view of the aforesaid fair concession, the order dated 30th September 2010 passed by respondent no. 1 is quashed and the matter is remanded to the said respondent to adjudicate afresh. Be it noted, when a quasi judicial authority deals with a lis, it is obligatory on its part to ascribe cogent and germane reasons as the same is the heart and soul of the matter. And further, the same also facilitates appreciation when the order is called in question before the superior forum. Needless to say that the competent authority, while passing the order, shall keep in mind the order dated 29th November 2010 wherein we had directed that the period from the date of filing the writ petition and four weeks after its disposal shall stand excluded, while computing the limitation for the department to pass an assessment order.

The writ petition is allowed to the extent indicated above without any order as to costs.

Order dasti under the signatures of the Court Master.

CHIEF JUSTICE

MANMOHAN, J

December 02, 2010