
(2025) 12 UK CK 0029

Uttarakhand HC

Case No: Writ Petition Miscellaneous Single No. 3457 Of 2025

Bharat Heavy Electricals Limited
(BHEL)

APPELLANT

Vs

Tarun Himalaya And Ors

RESPONDENT

Date of Decision: Dec. 16, 2025

Acts Referred:

- Constitution Of India, 1950 - Article 227

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Birendra Singh Adhikari, K.S. Mehta

Final Decision: Allowed

Judgement

Pankaj Purohit, J

1. By means of the present writ petition under Article 227 of the Constitution of India, petitioner has sought the indulgence of this Court for a direction to learned Commissioner, Garhwal Division, Pauri Camp at Dehradun, to expedite the hearing of Appeal No.01 of 2016-17 **BHEL Vs. Tarun Himalaya and Others**, pending before the learned Commissioner, Garhwal Mandal, Pauri Camp at Dehradun.

2. It is the contention of the learned counsel for petitioner that the said Appeal was file before learned Commissioner on 02.11.2016 against the judgment and order dated 21.09.2016 passed by learned Assistant Collector-First Class/SDM, Haridwar, in Case No.02 of 2011 **Tarun Himalaya Vs. State**.

3. It is further contended by learned counsel for petitioner that since then the hearing of the appeal could not have been concluded for various reasons. He has drawn the attention of this Court to the entire order sheet annexed by him as Annexure No.2 to the writ petition to submit that most of the time the Appeal could not have been heard due to the absence of Presiding Officer.

4. I have seen the record and found the contention of the learned counsel for petitioner correct. However, it is also reflected from the order-sheet that most of the adjournments was also sought by the appellant (petitioner herein) itself.

5. Be that as it may, Appeal is of the year 2016 and to decide the Appeal only hearing is required, therefore, in the given set of facts and circumstances, learned counsel for petitioner is successful in making out a case for direction to learned Commissioner, for expedite hearing of Appeal.

6. Accordingly, the present writ petition is allowed. Learned Commissioner, Garhwal Division, Pauri Camp at Dehradun, is directed to hear and decide the Appeal No.01 of 2016-17 **BHEL Vs. Tarun Himalaya and Others**, expeditiously but not later than three months from the date of production of certified copy of this order.