

Court No. - 21

Case :- WRIT - C No. - 41365 of 2023

Petitioner :- M/S Shri Bihariji Developers And Constructions Company

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Yash Garg,Devansh Misra,Raghuvansh Misra

Counsel for Respondent :- C.S.C.,Dharmendra Singh Chauhan,Rakesh Kumar Gupta

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. Heard Sri Yash Garg, learned counsel for the petitioner, Sri Rakesh Kumar Gupta, learned counsel for respondent no. 4 and Sri Rajiv Gupta, learned Additional Chief standing Counsel for the State-respondents.
2. The instant petition has been filed questioning the demand raised by respondent no. 3 in respect of compounding charges. The case of the petitioner is that the impugned demand has been issued on basis of a report of a Four Member Committee. The report of the Committee was not supplied to the petitioner and straight away the impugned demand has been issued.
3. Counsel for the petitioner has referred to para 20 of the writ petition wherein it is specifically averred that copy of the report was not supplied to the petitioner so as to grant opportunity to him to rebut the same.
4. A perusal of the impugned demand notice also does not show that copy of the report was supplied to the petitioner or he was given any opportunity to rebut the same.
5. Learned counsel appearing on behalf of respondent no. 3 very

fairly states that copy of the report will be supplied to the petitioner and will be heard before issuing any demand.

6. Accordingly, the petition is **disposed of** with direction to respondent no. 3 to provide copy of the report of Committee to the petitioner within two weeks. The petitioner will have one week thereafter to file its reply and evidence against the same. Respondent no. 2 will thereafter pass fresh order taking into consideration the objection of the petitioner.

7. The petition stands **disposed of**, accordingly.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 1.12.2023

Ruhi H.