

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1373 of 2015**

M/s. Vishwa Decors Through its Partner, Shri Rakesh Bafna, G-1, Mahavir Plaza, Near Devi Laxmi Hospital, Tagore Nagar, Raipur, Tehsil and District Raipur, P.S. City Kotwali, Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Chhattisgarh State Industrial Development Corporation Limited, Through its Managing Director, 1st Floor Udyog Bhawan, Ring Road No. 1, Telibandha Raipur, Chhattisgarh.
2. The Incharge (Marketing) Chhattisgarh State Industrial Development Corporation Limited, 1st Floor, Udyog Bhawan, Ring Road No. 1, Telibandha, Raipur, Chhattisgarh.
3. The District Trade & Industries Centre, Through its Chief Manager, Collectorate Campus Raipur, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Ankit Singhal, Advocate
For Respondent No. 1 & 2	:	Shri Anumeh Shrivastava, Advocate.
For Respondent/State	:	Shri UNS Deo, Government Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Order on Board****Per Navin Sinha, Chief Justice****02/09/2015**

1. Learned Counsel for the State/Respondent No. 3 again prays for adjournment to file counter-affidavit submitting that intimations have been sent to Respondent No.3, but no instructions have been received till date.

2. Learned Counsel for the Petitioner submits that on the one hand, Respondent No. 3 seeks adjournment to file counter-affidavit and on the other hand, it has furnished information to the Petitioner under the Right to Information Act during the pendency of the writ petition, on basis of which the writ petition can easily be disposed in accordance with law.

3. On 6.8.2015, Learned Counsel for the Petitioner had submitted that he confined the challenge in this writ application to the order dated 9.10.2014 issued by Respondent No. 3 cancelling the production certificate in violation of

principles of natural justice without issuance of show cause or opportunity to defend. The fall out took place by virtue of Respondent No. 1 having cancelled the contract awarded to the Petitioner on that basis.

4. Today, an application has been filed on behalf of the Petitioner for taking additional documents on record. Learned Counsel for the Petitioner submits that after the previous hearing it applied to Respondent No. 3 under the Right to Information Act on 25.8.2015 seeking information whether before issuance of the order dated 9.10.2014, a show cause had been issued to it as to why the production certificate be not cancelled. The Petitioner has been furnished information by letter No. 6513 dated 28.8.2015 confirming that before cancellation of the production certificate, no show cause notice had been issued to it. The submission therefore is that nothing further survives for adjudication and the order of cancellation dated 9.10.2014 is not sustainable on the face of it causing prejudice, and is contrary to principles of natural justice.

5. Respondent No. 3 has been granted time to file counter-affidavit on 6.8.2015 and again on 19.8.2015. The question involved for consideration is extremely short. On basis of the documents that have been placed by the Petitioner, no better stand can be taken by Respondent No. 3 in any counter-affidavit.

6. The order dated 9.10.2014 is therefore set aside on that short ground alone for violation of principles of natural justice but without prejudice to the rights of Respondent No. 3 afresh in accordance with law, if so advised.

7. The writ application is allowed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE