

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 1540 OF 2014

CENTRAL BANK OF INDIA

...Petitioner

*Versus*1.UNION OF INDIA, THROUGH PRINCIPAL
SECRETARY, FINANCE AND ORS

...Respondents

*Mr.S.U.Kamdar, Senior Counsel i/b. Mr.O. A. Das, for the Petitioner.**Mr.Pradeep S.Jetly with Mr.Jitendra B.Mishra, for the Respondents.*

**CORAM : S.C.DHARMADHIKARI &
G.S. KULKARNI, JJ.****DATE : 21st March, 2016.**

PC.:

1. After having heard Mr.S.U.Kamdar, learned Senior Counsel appearing for the Petitioner at some length and perused with his assistance the petition and the annexures thereto, we are of the view that no interference is required with the Show Cause Notice that is issued to the Petitioner-Bank.

2. The argument that the Petitioner-Bank will be visited with the huge tax demand and even penalty in the light of a Circular, a copy of which is at "Exhibits D" at pages 28 to 30 of the paper book as that

circular binds all Authorities, is entirely misplaced. Once a show cause notice has been issued and the inquiry is to be conducted in accordance with law, then, it is open for the Petitioner to argue that the adjudication order should be passed strictly in accordance with law and not influenced by a circular or direction of any higher authority. We have no doubt that all such contentions can be raised before the Adjudicating Authority and while passing final orders, the Adjudicating Authority should not be influenced only by any circular or the stand taken in the affidavit in reply, and a speaking order dealing with all the contentions shall be passed.

3. We are not inclined to interfere also because any adverse order is capable of being challenged in appeal by the Petitioner-Bank.

4. Hence, the Writ Petition is disposed of as the matter is brought before this Court at the stage of a show cause notice.

5. All the contentions of both the parties are kept open.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI,J.)