

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

-
WRIT PETITION No.212 of 2016

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Heard Sri P.Balaji Varma, learned counsel for the petitioner, and Sri V.Gopalakrishna Gokhale, learned Standing Counsel for Customs & Central Excise, and, with their consent, this Writ Petition is being disposed of at the stage of admission.

The impugned notice dated 21.10.2015 was passed pursuant to the order passed by the appellate authority under the Sick Industrial Companies (Special Provisions) Act, 1985 without putting the petitioner on notice, and without giving them an opportunity of being heard. When we asked Sri V.Gopalakrishna Gokhale, learned Standing Counsel for Customs & Central Excise, as to how such an order could be passed, learned Standing Counsel, on instructions, would fairly state that the Commissioner was under the misconception that no notice need be given, as the AAIFR had directed him to pass an order; and, in compliance with principles of natural justice, he would now put the petitioner on notice; give them an opportunity of being heard; and thereafter pass a fresh order in accordance with law.

The impugned order is set aside. The respondent shall put the petitioner on notice, give them an opportunity of being heard, and thereafter pass a fresh order in accordance with law.

The Writ Petition stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

07th January, 2016.
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M.SATYANARAYANA MURTHY, J