

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.4754 of 2016

Date of Decision:11.03.2016

M/s Niagara Metals India Ltd.Petitioner

Vs.

Union of India and anotherRespondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE LISA GILL**

Present:- Mr. Jagmohan Bansal, Advocate for the petitioner.

Mahesh Grover, J.(Oral)

The petitioner is aggrieved of Annexure P.7 which is merely a show cause notice giving him entire liberty to produce his version as also evidence documentary or otherwise to substantiate his plea and question the liability intended to be fastened upon him. For the purposes of reference, para 4 of the show cause notice is extracted hereunder:-

“The Noticee are further directed to produce at the time of showing cause all the evidence documentary or otherwise upon which they intend to rely in support of their defense. They should also indicate in their written reply as to whether they wish to be heard in person or through their authorized representative. If no mention is made about it, it will be presumed that they do not desire any personal hearing. Further, if no cause is shown against the action proposed to be taken within the stipulated period or the Noticee or their legal authorized representative does not appear before the

adjudicating authority when the case is posted for hearing, the case would be decided ex-parte on the basis of facts and evidence on records.”

We are of the opinion that the impugned notice is clearly intended to follow the principles of natural justice before any liability is fastened upon the petitioner. It is thus in his own interest to appear before the said authority and produce whatever documents/ evidence, he wants to produce.

Dismissed with the liberty aforesaid.

At this stage, learned counsel for the petitioner wants to withdraw the petition.

Dismissed as withdrawn.

(MAHESH GROVER)
JUDGE

March 11, 2016
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(LISA GILL)
JUDGE