

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.1836 of 2002**

M/s Century Cement, Proprietor, Century Textiles & Industries Ltd., a Company incorporated under the provisions of Indian Companies Act, 1956 having its head office at Annie Basent Road, Bombay and manufacturing unit at Baikunth, District Raipur (Chhattisgarh)

----Petitioner**Versus**

1. Union of India through Secretary, Department of India, Ministry of Textiles Udyog Bhawan, New Delhi
2. The Jute Commissioner, Govt. of India, having its office at 20-B, Abdul Habit Street, Calcutta.

---- Respondents

For Petitioner	:	Mr.Ashish Shrivastava and Mr.
		Soumya Rai, Advocate
For Respondents	:	Mr.N.K.Vyas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/08/2017**

1. The writ petitioner has challenged the notice dated 14.8.2002 (Annexure P/7) issued by respondent No.2/Jute Commissioner, Govt. of India exercising the powers conferred under the Jute Packaging Materials (Compulsory use in Packing Commodities) Act, 1987 (hereinafter called as 'Act of 1987').
2. Learned counsel for the petitioner would submit that such a notice is without jurisdiction and without authority of law.

3. On the other hand, learned counsel for the respondents would submit that validity of the Act of 1987 has already been upheld by the Supreme Court and the Jute Commissioner has authorized to issue show-cause notice and to take cognizance of the matter. The Jute Commissioner has only issued notice to appear before it to explain why penal action should not be taken against the Company for violation of orders dated 15.3.1995 and 30.6.1997.
4. The validity of the Act of 1987 has been upheld and the Jute Commissioner has the jurisdiction to initiate the impugned proceeding and only final notice has been issued, the petitioner is at liberty to file reply to the said notice within a period of 3 weeks from today and in turn, the Jute Commissioner will decide the same and to take final decision within a further period of 3 weeks.
5. Since interim order is operating from 20.9.2002, same shall remain operative for a period of 6 weeks.
6. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-
(Sanjay K.Agrawal)
Judge