HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.522/2020

Teesta Petrotech Private Limited, (CNG Cylinder & Pr. Vessel Testing), represented by Tapan Sarkar, Managing Director having its office at Plot No.5619(P), Growth Center, TIDC, Bodhjung Nagar, P.O & P.S – Bodhjung Nagar, District – West Tripura.

…….. *Petitioner(s).*

Vs.

1. The Union of India, Ministry of Commerce & Industry, Petroleum & Explosives Safety Organization (PESO), represented by its Secretary at Udyog Bhawan, New Delhi, 110001.
2. Chief Controller of Explosives, A - Block, CGO Complex, Fifth Floor Seminary Hills, Nagpur, Maharashtra – 440 006.
3. Deputy Chief Controller of Explosives, Petroleum & Explosives Safety Organization, Government of India at Office – H. No.216, 2nd Floor, Above – IDBI Bank, Chandmari, Guwahati, 781 021.
4. Joint Chief Controller of Explosives, A – Wing, 2nd Floor Kedrapaya, 63/4, Sanjay Place, Agra, Uttar Pradesh – 282 002.
5. The State of Tripura, represented by Principal Secretary, Transport Department, Government of Tripura, New Secretariat Complex, P.O – Kunjaban, P.S. – New Capital Complex, District – West Tripura.
6. The Joint Transport Commissioner, Government of Tripura, Paribahan Bhawan, Astabal, P.O – Agartala, P.S. – West Agartala, District – West Tripura.

…….. *Respondent(s).*

For Petitioner(s) : Mr. Raju Datta, Advocate.
For Respondent(s) : Mr. B Majumder, Asstt. S. G.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

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02/9/2020

The petitioner has been granted a licence for CNG cylinder testing and on the basis of which he has sat up a testing station at Agartala. The petitioner is in the said business since past three years. Previously, the Explosives Department of the Government of India had issued a show cause notice to the petitioner on 6th September, 2019 pointing out certain irregularities on part of the petitioner in the course of the business. Pending further inquiry, the petitioner's license was suspended but later on restored.

Presently, the department has issued a show cause notice dated 11th August, 2020 citing certain irregularities in the certification issued by the petitioner. In response to the said show cause notice, the petitioner has also filed a reply on 20th August, 2020. At that stage, the petitioner has approached this Court and prayed that respondents be prevented from taking any action in furtherance of the said show cause notice dated 11th August, 2020.

This petition is directed against a show cause notice. As per settled law, the Court would be most reluctant in intercepting at a stage when a mere show cause notice has been issued and the competent authority has not yet taken a final decision. Counsel for the petitioner submitted that previously,

after issuing show cause notice, the petitioner's licence was suspended even before the period for filing reply to the show cause notice was over and further that such suspension continued far beyond the permissible limit as per the rules. He further submitted that in the present case, the petitioner has valid explanation to the show cause notice and the petitioner has not committed any irregularity. Neither of these two grounds would be sufficient to quash the proceedings at a stage where the authority has yet to take a final decision. The previous show cause notice concerned entirely separate set of allegations as compared to the present show cause notice. At this stage, it is not possible to go into the petitioner's factual assertions. At first instance, it is the duty of the competent authority to examine the petitioner's explanation and to come to a conclusion whether the explanation is satisfactory or not.

Petition is dismissed at this stage. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

Sukhendu