

14.12.2020

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W.P.A. 166 of 2020

(Through Video Conference)

Khatu Shyam Ispat Private Limited & anr.

Vs.

State of West Bengal & ors.

Mr. Anil Kumar Dugar

Mr. Rajarshi Chatterjee

... for the petitioners

Mr. Talay M. Siddiqui

Mr. Avra Mazumdar

... for the State

This is an application under Article 226 of the Constitution of India wherein the writ petitioners are challenging the power of the Bureau of Investigation to issue summons to them under Section 70 of the Central Goods and Services Tax Act, 2017.

In my view, this is a pre-mature writ petition and the writ petition can be disposed of with a direction upon the officer concerned to treat this writ petition as a representation before him with regard to the challenge of the jurisdiction of the officer concerned. The officer concerned shall pass a reasoned order with regard to his jurisdiction after granting the petitioners an opportunity of hearing within a period of four weeks from the date of communication of this order. The reasoned order is to be

communicated to the petitioners within a period of two weeks from the date of passing of such reasoned order.

With the above direction, this writ petition is disposed of.

Since no affidavit-in-opposition is called for, allegations made in the writ petition are deemed not to have been admitted.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)