

S/L 15
10.12.2020
Court No.26
SD

**WPA 2099 of 2020
(Via Video Conference)**

Purnima Mondal
Vs.
Union of India & Ors.

*Mr. Sarwar Jahan
Sk. Nayeemul Haque*

...for the Petitioner.

Ms. Sreemon Bose

...for the Union of India.

Mr. M.S. Yadav

...for the IOCL.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the action of the authorities in debiting an amount to the extent of a fine that has been imposed by an order dated December 18, 2019.

The case of the petitioner is that even though the appeal provision provides for 30 days' time to file an appeal along with 25 per cent of the fine, the Indian Oil Corporation Limited proceeded to deduct the entire penalty within 10 days of passing of the order.

Counsel on behalf of the Indian Oil Corporation submits that the order dated December 26, 2019 clearly specifies that the amount is to be deducted if the payment is not made within a week's time. He further submits that petitioner files this writ petition after the expiry of 30 days and, therefore, no relief should be granted to the petitioner.

I have heard counsel appearing on behalf of the parties and perused the materials on record.

Upon perusing the materials before me, it is clear that the writ petition was filed on February 3, 2020 that is subsequent to 30 days of the order dated December 18, 2019. In my view, the best course of action is to allow the petitioner to file an appeal within a period of seven days from date.

I make it clear that in the event the appeal goes in favour of the petitioner, the amount that has been debited by the respondent authorities shall be returned to the petitioner forthwith.

With these observations, W.P.A. 2099 of 2020 is disposed of.

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

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)