

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(VIA VIDEO CONFERENCE)

WPA 5235 of 2020

Reckitt Benckiser (India) Private Limited
Vs.
Union of India & Ors.

Mr. R. Jawahar Lal
Mr. Sudhakar Prasad
Mr. Pradipta Bose
... For the petitioner

Mr. K.K. Maiti
Mr. Bhaskar Prasad Banerjee
... For the respondents

The petitioner refers to page 129 of the writ petition, being an electronic mail dated February 17, 2020, issued by the Central Excise Asansol-I Division. It appears from the said electronic mail that the application for reconsideration filed by the petitioner under Sabka Vishwas Scheme (in short "SVS") on December 17, 2019 cannot be considered as the same was not filed before the appropriate authority. The petitioner was directed to address the reconsideration application to the proper authority. The petitioner complains that despite repeated requests, the name and details of the proper authority to whom the petitioner is required to make the reconsideration application was not provided by the respondent authorities.

The respondents are directed to provide the name and the particulars of the authority to whom the petitioner

is required to make the reconsideration application. Advocate for the respondents presents in Court initially agreed to provide the details of the authority to whom the application/representation is to be made. Subsequently, the advocate for the respondents submitted that there is no such “appropriate authority” for filing such application or representation.

This Court fails to appreciate the stand of the respondent authorities, particularly when they mentioned about an appropriate authority in writing. The respondent authorities and each one of them are jointly and severally directed to furnish the details of the “appropriate authority” within seven days from the date of this order failing which each one of them shall be liable to the legal consequences thereof.

The petitioner shall, within seven days from the date of receiving the details of the “appropriate authority”, make the reconsideration application or representation. In the event such application or representation is made by the petitioner, the said “appropriate authority” shall consider the same after giving the petitioner a reasonable opportunity to represent its case.

In view of the pandemic situation, the said authority shall be entitled to decide on the form and the manner in which the petitioner will be allowed to represent its case. However, the respondents and the said authority shall be liable to broad compliance of the principles of

natural justice. The representation and/or reconsideration application should be disposed of by the said authority as expeditiously as possible but by December 31, 2020.

Since nothing further remains in the application to be decided at this stage, the application is disposed of keeping all other points raised by the petitioner open.

Since I have not called for any affidavit, the allegations made in the petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)