

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.9577 OF 2020

AND

W.M.P.NOS.11693 & 11694 OF 2020

Asia Tea Enterprises
represented by its Managing Partner,
V.Venkateshwara Raj
Having office at Old No.12/151,
Ketti Post, The Nilgiris - 643 215 ... Petitioner

Vs

Tea Board of India,
represented by its Executive Director,
Ministry of Commerce and Industry,
Department of Commerce, Govt. of India,
'Shelwood', Club Road, PO Box No.6,
Coonoor - 643 101, Nilgiris. ... Respondent

Prayer:

Writ Petition filed under Section Article 226 of the
Constitution of India praying Writ of Certiorarified Mandamus to
call for the records of the respondent in issuing the impugned
order dated 06.07.2020 bearing Ref.No.5(254)/TWCO/ CNR/196 and
quash the same as illegal and arbitrary and consequently direct
the respondent to renew the licences of the petitioner bearing
Licence No.TWC-1995.

For Petitioner : Mr.T.Mohan
for Mr.Anirudh Krishnan

For Respondent : Mr.Ravikumar Paul,
Senior Counsel
for M/s.Paul and Paul
J.Hudson Samuel & Partners

O R D E R

This matter is taken up for hearing through Video-
Conferencing mode.

2. This Writ Petition is filed challenging the order of the respondent dated 06.07.2020, cancelling the licence No.RC 1220 and refusing renewal of TWC-1995 granted to the petitioner.

3. Heard the learned counsel for the petitioner and the learned senior counsel appearing for the respondent.

4. Since the issue involved in this writ petition is lying in a very narrow compass for this Court to decide the matter, without expressing any view on the merits of the claim made by the respective parties and the facts and circumstances warranting the issuance of the impugned order, the respective contentions of the petitioner and respondent in respect of the said order are not dealt with in detail, as this Court is convinced to remit the matter back to the respondent for fresh disposal only on the ground that certain documents filed by the petitioner, pursuant to the notice issued by the respondent dated 18.03.2020, were not at all considered or referred to in the impugned order, even though all those documents were received by the respondent. It is urged before this Court that the impugned order passed without referring and considering the documents filed by the petitioner, violates the principles of natural justice.

5. Learned senior counsel appearing for the respondent submitted that those documents are not relevant to the issue involved in the impugned order and therefore, non-reference of the said documents will not vitiate impugned order.

6. Upon hearing both sides, it is evident that it is the respondent Board through their notice dated 18.03.2020, directed the petitioner to file documents and accordingly, the petitioner through their communication dated 18.06.2020, filed all those documents, which were received by the respondent on 18.06.2020 itself. There is no dispute to the fact about the receipt of those documents. However, while perusing the impugned order, it is seen that the respondent has not dealt with those documents filed by the petitioner anywhere. Therefore, in my considered view, having received the documents, the respondent ought to have considered those documents and given their findings on those documents in the impugned order. No doubt, the learned senior counsel for the respondent contended that in the counter affidavit, they have stated that those documents are not relevant to the issue involved in this impugned order.

7. This Court, at this stage, is not expressing any view on such contention, since it is well settled that counter pleadings cannot improve the impugned order, as it is an admitted fact that all those documents were not at all discussed in the impugned order. It is further contended by the

learned senior counsel for the respondent that there is an appeal remedy available before the Central Government as per control orders. No doubt, the impugned order also states so. However, as I find that there is violation of principles of natural justice by not considering the documents filed by the petitioner, such appellate remedy cannot be a bar for this Court to entertain this writ petition and to pass the present order.

8. Accordingly, without expressing any view on the merits of the contentions raised by both parties, this Writ Petition is allowed only on the ground of violation of principles of natural justice. The impugned order is thus set aside, however, by remitting the matter back to the respondent for passing fresh order, after considering the documents filed by the petitioner through their communication dated 18.06.2020. Needless to state that if any order is passed adversely against the petitioner, it is for the petitioner to work out their remedy before the Appellate Forum, as this Court will not entertain a writ petition, if an appeal remedy is provided under the relevant statute. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri/vsi

To

Executive Director,
Tea Board of India,
Ministry of Commerce and Industry,
Department of Commerce, Govt.of India,
'Shelwood', Club Road, PO Box No.6,
Coonoor - 643 101, Nilgiris.

+1cc to M/s.Paul and Paul, Advocate, S.R.No.25823

W.P.No.9577 of 2020
and

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PA(CO)
CS/12/08/2020