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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1459/2020

M/S JAGDISH ICE FACTORY PVT. LTD. AND ANR..... Petitioner
Through Mr.Kirti Uppal, Sr.Adv. with
Ms.Kiran Kalra, Ms.Aastha Dhawan, Mr.Sidharth
Chopra and Mr.Aditya Raj, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondent

Through Ms.Zeba Khair and Mr.Afzal S.Shah,
Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **12.02.2020**

1. This writ Petition is filed by the Petitioner seeking to quash the show cause notice dated 16.01.2020 and order dated 24.01.2020 issued by respondent No.2. The case of the Petitioner is that the petitioner is a company engaged in the business of providing cold storage services particularly to petitioner No.2 who is in the business of meat processing and packaging. Petitioner has also has a factory license for running a cold storage facility and meat processing and packaging facility. By the impugned order a show cause notice was issued on 16.1.2020 to the petitioner where certain deficiencies are said to have been pointed out. As per the show cause notice a direction was passed to the petitioner to immediately suspend all the meat processing activities/operations in the aforesaid premises till all the shortcomings pointed out above are adequately addressed to the satisfaction of the licensing

authority/department.

2. Thereafter on 24.1.2020 by the impugned order the veterinary license granted to the factory premises for buffalo meat halal trade was also cancelled.

3. Mr.Kirti Uppal, learned senior counsel for the petitioner relies upon a judgment of the Supreme Court in ***Daffodills Pharmaceuticals Ltd. vs. State of UP, 2019 SCC Online SC 1607*** to plead that before any executive decision maker proposes a drastic adverse action, such as a debarring or blacklisting order, it is necessary that opportunity of hearing and representation against the proposed action is given to the party likely to be affected.

4. It is a matter of fact that no proper show cause notice for hearing was given to the petitioner before the aforementioned orders were passed. In fact the order dated 16.1.2020 is though termed as a show cause notice but it directs immediate suspension of all activities.

5. In these circumstances and keeping in view the legal position, as stated above, it will be in the interest of justice that a proper hearing be given to the petitioner. I am told that the petitioner has suspended its manufacturing activities in view of the impugned notices serviced on them.

6. Let the respondent treat the present Writ Petition as a representation of the petitioner. The director of the Veterinary Services Department will give a hearing to the petitioner/authorised representative of the petitioner on 17.2.2020 at 2:00 PM. After giving a hearing, the concerned Director is requested to pass a speaking order within one week thereafter. If necessary, an inspection of the premises can also be carried out.

7. At this stage, learned senior counsel for the petitioner states that

respondents do not have power to inspect the premises. Be that as it may, in my opinion, one of the grounds on which show cause notice was issued is lack of infrastructure floors, walls, ceiling chutes/lifts, staircase, passageways etc. In the light of these allegations it would be appropriate for the Director concerned to take a decision as to whether an inspection of the premises is required or not.

8. On passing of the speaking order a copy will be communicated to the petitioner forthwith. If for some reason the petitioner is not satisfied with the said order, liberty is granted to challenge the same, as per law. The impugned order dated 24.1.2020 is accordingly set aside.

9. The Director concerned will pass an order uninfluenced by any observations made by this court in this order.

10. A copy of this order be given *dasti* under signatures of the Court Master to learned counsel for the parties.

JAYANT NATH, J

FEBRUARY 12, 2020

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