

S/L 6
08.01.2021
Court No.26
SD

**WPA 4814 of 2020
(Via Video Conference)**

Manas Kumar Maitra
Vs.
Union of India & Ors.

*Mr. Sagar Bandyopadhyay
Mr. Subhamay Dewanji*

...for the Petitioner.

Mr. Ranjan Roy

...for the Respondent.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an adjudication order dated August 2, 2018 and subsequent demand notices in connection with the same.

The petitioner submits that he is the Director of the company and was one of two persons who was issued the show cause notice. He submits that he never received any notice to appear and therefore did not appear in the proceedings.

Mr. Ranjan Roy, counsel appearing on behalf of the respondent authority, produces the order in original and that indicates that service was made at the registered address of the company and was returned with the postal remark 'left'. Finally, show cause notice was served by affixation at the door of the last known address of the company.

In light of the same, it is clear that the petitioner who is a Director of the company was never served with the show

cause notice and therefore was unable to attend. Accordingly, the impugned order in original is set aside as so far as it relates to the petitioner only.

The respondent authority shall be at liberty to issue notice at the address of the petitioner provided in this writ petition and upon such notice being issued, the petitioner shall appear before the authority. Thereafter, respondent authority shall be at liberty to proceed in accordance with law.

With these observations, WPA 4814 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.)