

ORDER SHEET
WPO/940/2013
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

M/S. PAHARPUR COOLING TOWERS LTD. AND ANR.

Versus

UNION OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 12th July, 2021

(Via Video Conference)

Appearance:

Mr. J.P.Khaitan, Sr. Adv.

Ms.Nilanjana Banerjee Pal, Adv.

For petitioners

Mr. Robi Prosad Mookerjee, Adv.

Mr. Uday Sankar Bhattacharya, Adv.

For respondents

The Court : Heard learned Advocates appearing for the parties. The impugned order dated 02/05-08-2013 was issued by the Assistant Director General of Foreign Trade/respondent. In this writ petition, the petitioners have challenged the impugned order dated 02/05-08-2013 mainly on the ground that the order has been passed without giving an opportunity of hearing and the impugned order is non-speaking order.

Learned Advocate appearing for the respondents denies and disputes this allegation of the petitioners.

In my view, for this limited short disputed question of fact, this writ petition should not be kept pending. Considering the submission of parties and materials, the impugned order dated 02/05-08-2013 is set aside and remanded to the respondents with a direction upon them to consider afresh and dispose of the case of the petitioners by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioners or their authorised representatives and after considering the reply to the show cause notice in question by 1st September, 2021. Upon getting notice of hearing, the petitioners shall file a copy

of the reply to the show cause notice since the respondents are disputed that the reply to the show cause notice was not received.

The interim order already passed by this Court on 25th September, 2013 shall continue till 8th September, 2021 or until further order whichever is earlier passed by the respondent-authorities.

WPO No. 940 of 2013 is accordingly disposed of.

(MD. NIZAMUDDIN, J.)

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