

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

IA No.GA/1/2020(Old No.GA/514/2020)
In
WPO/2222/1996

PAHARPUR COOLING TOWERS LTD.
Versus
COMM. OF CENTRAL EXCISE, CAL-1

AND

IA No.GA/2/2020(Old No.GA/515/2020)
In
WPO/2222/1996

PAHARPUR COOLING TOWERS LTD.
Versus
COMM. OF CENTRAL EXCISE, CAL-1

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 7th January, 2021.

(Via Video Conference)

Appearance:

Mr. Rahul Tangri, Adv.

Mr. Deepro Sen, Adv.

Ms. Udit Saraf, Adv.

Mr. Bhaskar Prasad Banerjee, Adv.

The Court: GA/1/2020(Old No.GA/514/2020) is an application under Section 5 for condonation of delay.

I have perused the petition. I am satisfied with the grounds made out by the petitioner to explain the delay in filing this application. The application for

condonation of delay is allowed. The delay in filing the application is condoned.

GA/2/2020(Old No.GA/515/2020) is an application for restoration. The petitioner prays for recalling of the order dated 4th December, 2019.

I have perused the petition. I have also heard the parties. I am satisfied that there are sufficient grounds as to why the petitioner was not present on 4th December, 2019.

GA/2/2020(Old No.GA/515/2020) is allowed. The writ petition is restored to its original file.

The main writ petition is now taken up for hearing.

The grievance of the petitioner is directed against two show-cause notices dated 15th December, 1995 and 28th March, 1996 issued by the respondent authorities. This writ petition was filed in 1996 and the petitioner obtained an order dated 10th October, 1996 whereby the respondent authorities were directed to pass no final order without the leave of this Court.

This matter had appeared as an “Old Matter”. Several adjournments were taken by the parties. The petitioner submits that pursuant to leave granted by this Court he has filed the reply to the show-cause notices before the respondent authorities. Mr. Banerjee appears on behalf of the respondent authorities and submits that the matter be considered by the respondent authorities in accordance with law and the show-cause notices be brought to a logical conclusion.

I have perused the pleadings. I have also considered the submissions made on behalf of the parties. There can be no reason why the hearing

initiated in 1996 is still pending before the Department in 2021. By the order dated 10th October, 1996 the petitioner was directed to file his reply to the show-cause notice proceeding. It is now well settled through a catena of decisions that ordinarily a Writ Court ought not to interfere with a show-cause notice at a nascent stage when all points are left open before an Authority. It is submitted on behalf of the petitioner that the reply have been filed by the petitioner before the respondent authorities. As such, there would be no useful purpose served in keeping this writ petition alive.

The concerned respondent department is directed to complete the proceeding initiated by virtue of the show-cause notices dated 15th December, 1995 and 28th March, 1996 forthwith. It is expected that the said proceeding will be completed expeditiously, preferably within a period of three months from the date of passing of this order. I make it clear that I have not gone into the merits of the case and all points are left open to be adjudicated before the appropriate adjudicating authority.

With the aforesaid directions, WPO 2222 of 1996 is disposed of. Interim orders, if any, stand vacated.

(RAVI KRISHAN KAPUR, J.)