

HONOURABLE SRI JUSTICE UJJAL BHUYAN
AND
HONOURABLE DR.JUSTICE C.SUMALATHA

W.P.No.3458 of 2020

ORDER: *(Per Hon'ble Sri Justice Ujjal Bhuyan)*

Heard learned counsel for the parties.

2. This writ petition challenges notices dated 23.10.2019 and 08.01.2020 issued by respondent No.2.

3. Petitioner is the proprietor of a movie theatre called Alankar Cinemas situated at Hyderabad.

4. Learned counsel for the parties have made a statement at the bar that in identical matter being W.P.No.18660 of 2020, this Court had passed an order granting one month's time to respond to the notices. It is submitted that subsequently, the said period was extended to two months.

5. Learned counsel for the petitioner prays for a similar order.

6. Learned counsel for the respondents has no objection.

7. Writ Petition No.18660 of 2020 was disposed of by this Court on 10.03.2021. Relevant portion of the order dated 10.03.2021, reads as under:

10. Sri Zoheb Hussain, learned Senior Standing Counsel for Central Government appearing for respondent Nos.2 to 4 drew our attention to Rule 133 of the Rules framed under the Act, and pointed out that the said Rules contemplate giving an opportunity of hearing to all interested parties, if they make a request in writing, and there is no threat of any measures such as arrest of petitioner and only one of several consequences mentioned in Rule 133 follow, in the event adverse inference is drawn against the petitioner by 4th respondent.

11. Having regard to the said submission made by Sri Zoheb Hussain, learned Senior Standing Counsel for Central Government appearing for respondent Nos.2 to 4, and also having regard to the fact that lockdown imposed by the State and Central Government has now been lifted and inter-State travel is now possible, and since vaccination for Covid-19 virus is also being administered, and since personal appearance of the petitioner is not necessary having regard to sub-rule (2) of Rule 133, we dispose of this Writ Petition directing the petitioner to submit explanation to the notice dt.06-03-2020 to the 4th respondent within four (04) weeks from today. It is open to the petitioner to take all defences available to him at law in the said explanation, and the 4th respondent is directed to consider the explanation submitted by petitioner and pass a reasoned order in accordance with law and communicate it to the petitioner. In the event petitioner seeks a hearing either virtually or physically before the 4th respondent, such request be considered by 4th respondent.

12. We make it clear that we have not made any observations on the contentions of either of the parties.

8. As agreed to by learned counsel for the parties, the present writ petition is also disposed of on similar lines by granting eight weeks' time to the petitioner to respond to the impugned notices dated 23.10.2019 and 08.01.2020 issued by respondent No.2.

9. All contentions are kept open.

10. No costs.

UJJAL BHUYAN , J

DR. C.SUMALATHA, J

Date: 27.10.2021

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