

25.01.2022
(S/L-29)
Ct.-2
(P.Jana)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

(Via Video Conference)

W.P.A. No. 432 of 2022

M/s. Bagga Logistic Private Limited and Anr.
-Vs-
Union of India & ors.

Mr. Avra Mazumder,
Mr. Bhaskar Sengupta,
..... For the Petitioners.

Mr. Kaushik Dey,
Ms. Manasi Mukherjee,
... For the respondent nos. 2 to 6.

Ms. Hema Mukherjee,
... For the respondent no. 1.

Mr. Debtanay Banerjee,
... For the Respondent no. 7.

Heard the learned advocates appearing for
the parties.

In the matter the petitioners have challenged
the impugned notices dated 29th October, 2021
and 27th December, 2021 issued by the Central
GST Authorities concerned for recovery of the
amount in question.

The petitioners submit that the petitioners
have deposited the amount in question under
SVLDRS Scheme within the time permissible
under the Scheme but due to the fault of the
Bank in spite of debiting the amount in question

from the account of the petitioners, the same was again credited back and because of which the petitioners were not granted benefit under the said Scheme.

The petitioners submit that in this regard the petitioners have made a representation on 2nd July, 2020 being Annexure-P/6 to the writ petition which is not considered till date and the respondent concerned have issued the impugned recovery notice dated December 27, 2021 during the pendency of the said representation.

Considering the submission of the parties, this Writ Petition is disposed of by directing the respondent concerned to consider the aforesaid representation of the petitioners dated 2nd July, 2020 in accordance with law and by passing a reasoned and a speaking order within four weeks from date. Till the disposal of the aforesaid representation, the respondent concerned shall maintain status quo with regard to the impugned notices dated 29th October, 2021 and 27th December, 2021.

Further proceedings of the impugned recovery notices will depend upon the outcome of the aforesaid representation, which is to be disposed of by the respondent concerned.

Since this writ petition has been disposed of at the 'Motion' stage without calling for any

affidavits, the allegations contained in the writ petition shall be deemed to have been denied by the respondents.

With this observations and directions, the writ petition being WPA 432 of 2022 is disposed of.

(Md. Nizamuddin, J.)