

23.6.2022

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WPA 11180 of 2022

Arvind Kumar Shaw
Vs
Union of India & Ors.

Mr. Avra Mazumdar,
Ms. Pmpa Sen,
Mr. Binayak Gupta,
Mr. S.K. Md. Bilwal Hossain
... For the Petitioner.
Mr. A. Ray, Ld. GP.,
Mr. S. Mukherjee,
Mr.D.Ghosh,
Mr. D. Sahu
... For the State.
Mr. Sayak Ranjan Ganguly
... For the UOI.

Heard learned Advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned order of the Appellate Authority under WBGST Act confirming the order of cancellation of registration of the petitioner and the order of rejection of the application of the petitioner for revocation of his registration. Petitioner submits that the aforesaid order of the Appellate Authority dated 22nd April, 2022 is a non-speaking order and in violation of principle of natural justice since the reason given for dismissing the appeal of the petitioner is based on surmises and conjectures and without disclosing any material on the basis of which the Appellate Authority has come to its conclusion and further it is the allegation of the petitioner that if there is any material on the basis of

which the respondents Authority has come to such a conclusion, the same has not been furnished or supplied to the petitioner.

Considering the submission of the parties, the aforesaid impugned order dated 22nd April, 2022 is set aside and the matter is remanded back to the Appellate Authority to re-consider afresh and pass a reasoned and speaking order after giving an opportunity of hearing to the petitioner or his authorised representative and after furnishing the documents upon which the respondent authority intends to rely for taking such adverse action against the petitioner. The whole proceedings and passing a fresh final order should be concluded expeditiously and preferably within eight weeks from the date of communication of this order.

(Md. Nizamuddin, J.)