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WPA 19741 of 2022

Bhagwati Enterprise
Vs
State of West Bengal & Ors.

Mr. Avra Mazumder,
Mr. Binayak Gupta,
Mr. Suman Bhowmick
... For the Petitioner.
Mr. A. Ray, Ld. GP.,
Mr. T.M. Siddiqui,
Mr. D. Ghosh,
Mr. N. Chatterjee,
Mr. V. Kothari
... For the State.

Heard learned Advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned order dated 8th August, 2022, of canceling its registration on the ground that the same has been passed in violation of principle of natural justice by contending that before passing the impugned order, the show-cause-notice for cancellation of registration being Annexure P-7 to the writ petition neither specifies the date and time to give reply to the show-cause-notice nor indicates any date of personal hearing though in the show-cause-notice it has been recorded that if petitioner fails to appear for personal hearing on the appointed date and time, the case will be decided ex parte.

Considering the aforesaid show-cause-notice, I find that the same is not a proper notice and is in total non-application of mind by the officer concerned, who

has issued the aforesaid show-cause-notice since on the face of it since it appears that though the petitioner has been given opportunity of personal hearing but does not indicate any date and time. Though against the impugned order, the statutory alternative remedy is available by way of making application for revocation of cancellation of registration but in view of violation of principle of natural justice and non-application of mind, I am remanding the matter back to the Adjudicating Authority concerned to give an opportunity of personal hearing to the petitioner by giving a proper notice and in course of hearing, if the petitioner is able make out a case for revocation of the aforesaid impugned order of cancellation of its registration in that event the authority concerned shall withdraw the aforesaid impugned order and in case the petitioner is not able to make out a case even after providing opportunity of personal hearing, the aforesaid impugned order dated 8th August, 2022 will remain. But the officer concerned shall give reasons for not accepting the petitioner's contention raised in course of personal hearing.

With this observation and direction, this writ petition being WPA 19741 of 2022 is disposed of.

(**Md. Nizamuddin, J.**)