

OD 7

ORDER SHEET

WPO 411 of 2018
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SANJAY AGARWAL
Vs
UNION OF INDIA & ORS.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 17th June, 2022

Mr. T.K. Mitra,
Mr. Prottyush Chatterjee, Advs.
...for the petitioner
Mr. Bhaskar Prosad Banerjee, Adv.
...for the respondent

The Court: Heard learned advocates appearing for the parties.

In this writ petition, petitioner has challenged the impugned order in original dated 2nd July, 2018 being annexure P-6 to the writ petition passed on the basis of impugned show cause notice dated 31st May, 2017, on the ground that the impugned show cause notice was issued by an officer who does not come within the definition of "proper officer".

I am not inclined to interfere with the aforesaid impugned order for the reason that the same is an appealable order and secondly petitioner has approached this Court at the stage when final adjudication order has already been passed after participating in the impugned adjudication proceeding.

Accordingly, this writ petition being WPO 411 of 2018 is disposed of without going into the merit of the impugned adjudication order in original by giving liberty to the petitioner to file appeal against the same within a period of three weeks from date and if such appeal is filed within the time stipulated herein, Appellate Authority concerned will not raise the issue of limitation and shall decide such appeal in question to be filed by the petitioner on merit.

With these observations and directions, this writ petition stands disposed of.

(MD. NIZAMUDDIN, J.)

TR/

