

ORDER SHEET
WPO/1621/2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

M/S DEC AGROTECH PRIVATE LIMITED AND ORS
VS
UNION OF INDIA AND ORS

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 18TH JANUARY, 2022.

Appearance:
Mr. Arijit Chakrabarti, Adv.
Mr. Nilotpal Chowdhury, Adv.
..for the petitioner

Mr. B.P. Banerjee, Adv.
Mr. Tapan Bhanja, Adv.
..for the customs authority

mr. Bhaskar Prasad Mukherjee, Adv.
..for the State

Ms. A. Dey, Adv.
....for the respondent

The Court : Heard learned Advocate appearing for the parties. In this matter the petitioner has challenged the impugned order of adjudication which is appellable one. The main grievance of the writ petition in challenging the impugned appealable adjudication order is that there was violation of principles of natural justice by not providing opportunity to represent the case and to cross-examine the witness in question.

Mr. Banerjee, learned Advocate appearing for the respondent was asked to take instruction in this regard who pursuant to the direction of this Court has placed record to show that there was no violation of

principles of natural justice in the matter and notices were issued from time to time and has also pointed out from the adjudication order itself that the opportunity of hearing and cross-examination was provided to the petitioner.

Mr. Chakraborty, learned Advocate disputes the contention of the respondents and submits that only notices of hearing was given to him and no notice for cross-examination was given. On perusal of relevant records and adjudication order, I am not satisfied with the contentions of Mr. Chakraborty and I am of the view that this case does not fall in those category where there was gross violation of principles of natural justice on the face of it, if at all, it can be said that these issues of services of notices are disputed question of fact and sitting in writ jurisdiction this Court cannot adjudicate these disputes.

Without going into the merits of this case, in view of availability of alternative and involvement of disputed question of facts about service of notices, this Writ petition being WPO No. 1621 of 2021 is dismissed.

(MD. NIZAMUDDIN, J.)