

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5009 of 2018

Subash Chandra Padhi

....

Petitioner

Mr. Arun Kumar Patra, Advocate

-versus-

State of Orissa and others

....

Opposite Parties

Mr. Debakanta Mohanty

Additional Government Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER

22.12.2022

Order No.

04.

1. The Petitioner has challenged the demand notice dated 19th February, 2018 (Annexure-3), whereby the Government has raised the demand on the basis of audit objection.

2. From the record, it is seen that the impugned demand notice was issued without following the due procedure of law.

3. In that view of the matter, it is directed that the impugned demand notice (Annexure-3) be treated as notice on the Petitioner and it will be open to the Petitioner to file a reply to the said demand notice within a period of two weeks hence before the Opposite Party-Government. If such reply is filed by the Petitioner along with certified copy of this order, the State Government will decide the same in accordance with law and pass a reasoned order not later than 6th March, 2023, preferably after hearing the

Petitioner, and the decision be communicated to the Petitioner not later than 13th March, 2023. Till then, no recovery will be made from the Petitioner. If the Petitioner is aggrieved by such decision, it will be open to him to seek appropriate remedies in accordance with law.

4. The writ petition is disposed of in the above terms.

5. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. An urgent certified copy of this order be issued as per rules.

S.K. Jena/S. Behera

