

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.7895 of 2022

***M/s. Shree Laxmi Domestic Gas
Suppliers***

....

Petitioner(s)

Mr. S.K. Jethy,
Advocate

-versus-

Union of India & Ors.

....

Opposite Party(s)

Mr. P.K. Parhi,
DSGI for O.P.1

Mr. B. Mishra,
Sr. Advocate for O.Ps.2 to 4

D. Mohanty,
Advocate for O.P.2

CORAM:
JUSTICE BISWANATH RATH
ORDER
19.10.2022

Order No.

04. 1. On consent of the parties this writ petition is taken up for final hearing.
2. There is challenge to the impugned orders at Annexures-5, 7 & 8. The order dated 25.10.2021 under Annexure-5 relates to imposition of penalty. The order dated 22.11.2021 under Annexure-7 relates to suspension of license of the Petitioner. The order dated 24.11.2021 under Annexure-8 relates to the direction to the Petitioner to hand over the properties to the Oil Corporation. Undisputedly the Petitioner has two responses for consideration of the competent authority coming to decide the proceeding vide Annexure-5. Pleadings and counter averments all establish that there has been no consideration of the second objection of the Petitioner

vide Annexure-6 while deciding the matter vide Annexure-5. This Court looking to the nature of grievance and the punishment imposed involving allegation involved herein, since finds, both the responses submitted by the Petitioner are relevant, this Court while observing that the authority should have taken into account both the responses in final consideration of the issue, also observes, an opportunity of personal hearing should have been provided for the aforesaid deficiency, this Court finds, the order at Annexure-5 is not sustainable in the eye of law. This Court, accordingly, interfering in the order at Annexure-5, sets aside the same, but however, since a fresh decision is required involving the dispute vide Annexure-2, this Court observes, the dispute vide Annexure-2 should be re-visited, but however, involving both the show causes and also further providing opportunity of hearing to the representative of the Petitioner herein. Let the Petitioner appear before the competent authority along with a copy of this order and take the date of personal hearing. The process of re-adjudication of the issue be completed at least within a period of two months from the date of communication of this order.

3. The Writ Petition stands disposed of with the above order.

(Biswanath Rath)
Judge