

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.31269 OF 2022

M/s. Krishna Coke (India) ***Petitioner(s)***
Private Limited, Cuttack Mr.D.P.Nanda,Sr.Adv.

-versus-

Union of India and others ***Opposite Party(s)***
Mr.P.K.Parhi,DSGI
Assisted by
Mr.B.S.Rayaguru,CGC

CORAM:
JUSTICE BISWANATH RATH

ORDER
23.11.2022

Order No.

01.

1. Heard learned counsel for the parties.
2. The Writ Petition involves a challenge to the asking of documents at Annexure-2 to the Writ Petition by the Ministry of Corporate Affairs as enumerated at para-2 as well as in Annexure-5 brought by way of amendment herein. Taking into the pleadings and on production of a proceeding involving the Concast Steel and Power Limited is pending before the National Company Law Tribunal (NCLT), Kolkata Bench, Kolkata vide proceeding No.CA(IB) No.714/KB/2018, IA(IB) No.744/KB/2018 in CP (IB) No.446/KB/2017, an attempt is made by Mr.Nanda, learned Senior Counsel that for there is no involvement of the Petitioner company in the proceeding pending and for there is no allegation against such company pending at any level, it may not be proper on the part of the competent authority involving and asking of the Petitioner in such proceeding for production of documents which may be irrelevant for

the purpose of investigation involved herein. Mr.Nanda, learned Senior Counsel thus claims rejection of the notice vide Annexure-2 and further communication vide Annexure-5.

3. Mr.Parhi, learned Deputy Solicitor General of India contesting the claim of the Petitioner submits that for there is only issuing notice to the Petitioner vide Annexures-2 and a further communication vide Annexure-5, Petitioner if, has any objection to such notice, nothing prevents the Petitioner to raise such objection before the competent authority for their consideration instead of approaching this Court directly.

4. Taking into account the submission of Mr. Parhi, learned Deputy Solicitor General of India, there is scope for considering the objection being raised by the Petitioner as against the notice at Annexures-2 and communication vide Annexure-5. This Court finds, the Writ Petition becomes premature. In disposal of the Writ Petition this Court permits the Petitioner to submit his objection to both the notices at Annexures-2 and 5 at least within a period of seven working days. Till a decision is taken on the objection of the Petitioner, there may not be any coercive action against the Petitioner.

5. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

Swarna