

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 37302 of 2021

Avinash Jena

....

Petitioner

Mr. Prafulla Kumar Rath, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Debakanta Mohanty, AGA for State

CORAM:

THE CHIEF JUSTICE

JUSTICE M. S. RAMAN

ORDER

01.11.2022

Order No.

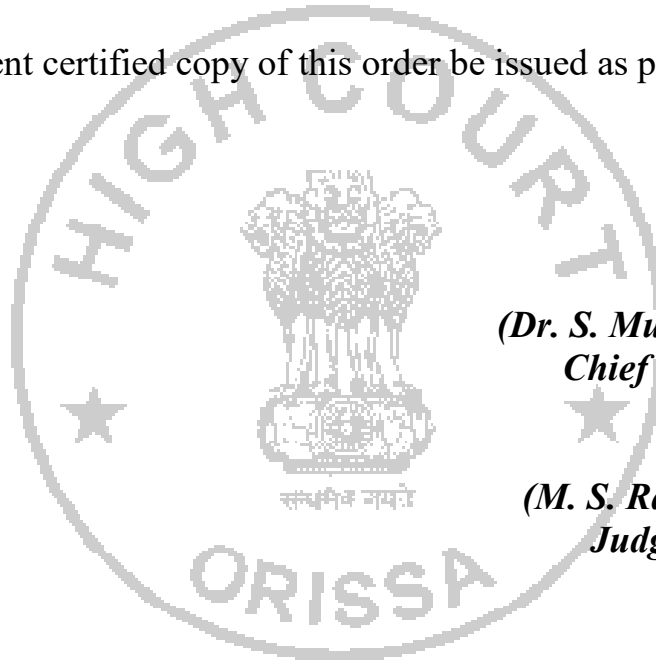
01. 1. The Petitioner has challenged the demand notice dated 29th September, 2021 (Annexure-1), whereby the Government has raised the demand on the basis of the audit objection.
2. From the record, it is seen that the impugned demand notice was issued without following the due procedure of law.
3. In that view of the matter, it is directed that the impugned demand notice (Annexure-1) be treated as a 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 said Opposite Parties-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 23rd November, 2022 preferably after hearing the Petitioner, and the

decision be communicated to the Petitioner not later than 30th November, 2022. 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.



(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

MRS/Laxmikant