

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12180 OF 2022**

R. R. Shipping Pvt Ltd.Petitioner

V/s.

Union of India, Through the Secretary
Ministry of Finance & Anr ...Respondents

Mr. Arun Jain i/b Mr. Kartik Vig for Petitioner.
Mr. Karan Adik and Mr. Ram Ochani for Respondent Nos.1 & 2.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ
DATED : 18th OCTOBER 2022**

P.C. :

1 Petitioner is impugning an order dated 29th July 2022 passed by respondent no.2 on the grounds primarily that even show cause notice was not issued to petitioner and consequently no opportunity to file the reply to the show cause notice was given and also personal hearing was not granted to petitioner.

2 Mr. Adik submitted that the show cause notice dated 30th December 2020 was issued to petitioner by email as well as by courier / speed post / post. As regards issuing the show cause notice by courier / speed post / post, Mr. Jain submitted that petitioner's address had changed and the changed address had been communicated to respondent no.2. Mr. Jain relied on an order on amendment dated 5th August 2019, copy whereof is annexed at Exhibit D to the petition. Therefore, we are satisfied that the address to which the show cause notice was sent, was not the address of

petitioner.

3 But as regards the show cause notice being sent by email, Mr. Jain in fairness confirms that account@rrs.com was the email address of petitioner and from what Mr. Adik states, it does appear that the email had been sent but petitioner's records do not indicate any such email having been received.

4 In the circumstances, without going into merits of the case, in our view, the interest of justice requires that petitioner is given a copy of the show cause notice dated 30th December 2020 and petitioner should be given an opportunity to respond to the show cause notice. Mr. Adik left it to the court's wisdom.

5 Having considered the facts and circumstances of the case, the following order is passed:-

- (a) Impugned order dated 29th July 2022 is hereby quashed and set aside.
- (b) Respondent no.2 to provide a copy of the show cause notice dated 30th December 2020 to petitioner's advocate on record within one week from today together with documents relied upon in the show cause notice.
- (c) Within 30 days of receiving the show cause notice, petitioner shall file a reply.
- (d) Thereafter, respondent no.2 shall pass the order within 8 weeks of the reply being filed but after giving a personal hearing to petitioner, notice whereof shall be communicated atleast 7 working days in advance.
- (e) Petitioner may also file written submissions within 3 working days of

personal hearing.

(f) Adjudication order shall be a reasoned order dealing with all submissions of petitioner.

5 Petition disposed.

6 All rights and contentions of parties are kept open.

(A. S. DOCTOR, J.)

(K.R. SHRIRAM, J.)