

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 275 OF 2020

Vision Container Line Pvt. Ltd.	...	Petitioner
V/s.		
Union of India and Ors.	...	Respondents

Mr. Rama Krishna Shakuntala Sharma, Advocate for the Petitioner No.1.

Shri Pradeep Jetly, Sr. Advocate a/w Smt. Maya Mujumdar, Advocate
for the Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA &
VINAY JOSHI, JJ.**
DATED : 21st MARCH 2022.

P.C.

1. The application filed by the petitioner under the Subka Vishwas (Legacy Dispute Resolution) Scheme, 2019 (for short, “**Scheme 2019**”) is rejected. The learned Counsel submits that the application has been rejected without giving opportunity to the petitioner of being heard. The rejection order also does not spell out the reasons. According to the learned Counsel, no investigation against the petitioner is pending.

2. Mr. Jetly, the learned Senior Advocate for the respondents submits that the Scheme 2019 applies to all except a person making a voluntary disclosure who is subjected to any inquiry, investigation or audit.

3. In the present case, investigation was commenced against the

petitioner. The letter was issued to the petitioner on 20th August 2019 calling for the necessary information. As the investigation was pending, the petitioner was not entitled for the benefit of the Scheme 2019.

4. The learned Counsel for the petitioner relies on the Judgment of the Division Bench of this Court in Writ Petition No. 96 of 2022 dated 21st January 2022.

5. The application of the petitioner under the Scheme 2019 is rejected by a one line order. No details are specified. No reasons are also appear to have been given. The affidavit is filed by the Revenue clarifying the details.

6. It is trite that reasons cannot be substituted in an affidavit. The order should contain the reasons. Reasons are now considered to be one of the principles of natural justice. As the impugned order is bereft of reasons, the said cannot be sustained.

7. In the light of above, the impugned order is quashed and set aside.

8. The respondent shall reconsider the application of the petitioner on its own merit in accordance with law and decide it by reasoned order.

9. The petitioner may appear before the Authority on 5th April 2022 and may put forth its stand.

10. The writ petition is accordingly disposed of. No costs.

(VINAY JOSHI J.)

(S. V. GANGAPURWALA J.)

RAJU
DATTATRAYA
GAIKWAD

Digitally signed
by RAJU
DATTATRAYA
GAIKWAD
Date:
2022.03.22
11:35:42 +0530