

10.4.2023

ks
sl. 21

WPA 6677 of 2023

IVL Dhunseri Petrochem Industries Private Limited
(previously South Asian Petrochem Limited) & Anr.

Vs

Union of India & Ors.

Mr. R. Dutta,

Mr. Rahul Dhanuka

... For the Petitioners.

Mr. Ajay Krishna Chatterjee, Ld. Sr. Adv.,

Ms. Sarda Sha

... For the Respondent Nos.1-4.

Mr. Tapan Bhanja

... For the Respondent No.5

Mr. K.K. Maiti

... For the Respondent No.6

Heard learned Advocates appearing for the parties.

By this writ petition, petitioners have challenged the impugned show-cause-notice issued by the respondent authority concerned on 16th March, 2022, i.e. after expiry of a year from the date of issuance of such show-cause-notice. It appears from record that petitioners have given response to the said show-cause-notice by letter dated 29th March, 2022 being Annexure P-12 at page 73 of the writ petition and it appears from the said letter/objection to the impugned show-cause-notice that the documents asked for by the respondent authority concerned to be produced by the petitioners, could not be produced by taking the plea that the same are not available with it and has been destroyed in fire and it also appears from the said objection that the petitioners have asked for a personal

hearing before passing any order on the impugned show-cause-notice.

Mr. Chatterjee, learned senior Advocate representing the respondent Nos.1-4 in opposing the writ petition submits that the final order on the objection of the petitioners against the impugned show-cause-notice is likely to be passed by the authority concerned very soon and petitioners have already been given opportunity of personal hearing and further that even if such final order is passed on the impugned show-cause-notice, the same is appealable under Section 15 of the Foreign Trade (Development & Regulation) Act, 1992. Though learned Advocate appearing for the petitioners filed this writ petition against the impugned show-cause-notice after one year of issuance of such notice on the ground of limitation but on perusal of the objection filed by the petitioners against the impugned show-cause-notice, I find that it is totally silent and it does not speak about any such limitation and it has responded to the show-cause-notice on merits and has asked for opportunity of personal hearing, which has already been provided by the respondent authority concerned.

It is expected that the respondents authority concerned which is sitting over the aforesaid objection to the impugned show-cause-notice for almost a year,

shall pass a final order within eight weeks from date. This court was intended to grant the time only for four weeks but due to request from Mr. Chatterjee, this court has granted eight weeks time to pass a final order and if the petitioners are aggrieved on the said final order to be passed by the respondents authority concerned, they will be free to seek appropriate remedy in accordance with law.

It is recorded that this court has neither gone into the merits of the impugned show-cause-notice nor the objection filed against the same by the petitioners.

Mr. Maiti, learned Advocate representing the DRI Authorities/respondent No.6, submits that respondent No.6, is not a necessary and relevant party and no cause of action arises against it and considering his such submission, the name of the respondent No.6 is deleted from this writ proceedings.

(Md. Nizamuddin, J.)