

30th April,
2024
(AK)
11

W.P.A 9662 of 2024

Shashi Agarwal
Vs.
The Union of India and others

Mr. Sabyasachi Choudhury
Mr. S. Banerjee
Mr. Kuldeep Mullick
Mr. Dyutimoy Paul
Mr. Arun Kumar Mishra
...for the petitioner.

Mr. M.S. Tiwari
Mr. Silendra Tiwari
...for the Union of India.

Mr. Jishnu Chowdhury
Mr. Ritoban Sarkar
Ms. A. Rao
Ms. S. Roy
...for the respondent nos.2 to 4.

1. Learned counsel for the respondent nos. 2 to 4 submits on instruction that the said respondents are agreeable if the show cause notice is set aside and a fresh timeline is fixed for issuance of a fresh show cause notice and hearing on the same upon giving opportunity to the petitioner to give a reply thereto.
2. Although there appears to be a subtle dispute between the parties as to whether the show cause notice dated January 13, 2023 was based on the final inspection report or the draft inspection report, the petitioner having argued that the same

was based on the draft inspection report, thus vitiating the same, while the respondent nos.2 to 4 argues that it was based on the final inspection report which was already with the authorities, both parties agree in principle that it is not reflected in the show cause notice that it referred to the final inspection report.

3. As such, there is no use unnecessary prolonging the litigation since the parties are *ad idem* on the necessity to expedite the matter.
4. Accordingly, WPA 9662 of 2024 is disposed of, thereby setting aside the impugned show cause notice dated January 13, 2023 and all consequential steps taken pursuant thereto, including the final order against the petitioner.
5. The respondent nos.2 to 4 shall issue a fresh show cause notice to the petitioner, if the said respondents so deem fit and they are otherwise entitled to do so in law, within a fortnight from date.
6. The petitioners shall file an affidavit-in-reply thereto within a fortnight thereafter.
7. The respondent nos.2 to 4 shall give an opportunity of hearing to the petitioners and conclude the hearing on the same within a further fortnight.

8. Immediately after such hearing and a decision being taken, a copy of the final order shall be served on the petitioner.
9. It is made clear that the merits of the allegations and counter allegations between the parties have not been entered into by this court and it will be open to the parties to argue all issues, which are kept open.
10. There will be no order as to costs.
11. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)