

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE**

HEARD ON: 23.04.2024

DELIVERED ON: 23.04.2024

**CORAM:  
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM  
AND  
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T. 728 of 2024  
With  
IA No. CAN 1 of 2024  
M/s. H.P. Ispat Pvt. Ltd. & Anr.  
Vs.  
Union of India & Anr.**

**Appearance:-**

**Mr. Arijit Chakraborti  
Mr. Nilotpal Chowdhury  
Mr. Prabir Bera  
Mr. Deepak Sharma                   .....for the appellants**

**Mr. Vipul Kundalia  
Ms. Ekta Sinha  
Mr. Amit Sharma                   .....for the respondents**

**JUDGMENT**

***(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)***

1. This intra-Court appeal by the writ petitioners is directed against the order dated 13<sup>th</sup> March, 2024 in W.P.A. 3687 of 2024 dismissing the writ petition, wherein the appellants had challenged the show cause notice stating that it is wholly without jurisdiction.

2. The learned Single Bench observed that the appellants are guilty of delay and laches in moving the Court and therefore, dismissed the writ petition.
3. As could be seen from the material papers annexed to the stay petition that the appellants had already submitted their reply to the show cause notice by reply dated 5<sup>th</sup> July, 2023 and it appears that a date of personal hearing was fixed but the appellants did not appear and had filed the writ petition.
4. The question of jurisdiction of the authority to issue the show cause notice can very well be raised before the adjudicating authority and the adjudicating authority is competent to rule on his jurisdiction. Therefore, on that ground the writ petition need not be entertained. Accordingly the appeal and the connected application are disposed of by directing the appellants to appear before the adjudicating authority and make submissions with regard to the jurisdiction of the authority to issue the show cause notice as well as make submissions on merits.
5. The adjudicating authority is directed to consider the submissions with regard to his jurisdiction as first amongst several other issues and take a decision on merits and in accordance with law as expeditiously as possible.
6. The appellants shall appear before the adjudicating authority within a period of three weeks from the date of receipt of server copy of this order.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S. SIVAGNANAM)**  
**CHIEF JUSTICE**

I agree.

**(HIRANMAY BHATTACHARYYA, J.)**

Pallab/KS AR(Ct.)