



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12467 OF 2024

Phoenix Industries

...Petitioner

Versus

Union of India and ors.

...Respondents

Mr Pawan Tiwari, i/b. Mr Shantanu Kalekar, for the Petitioner.

Ms Shruti D. Vyas, Addl.G.P., a/w Ms P. N. Diwan, AGP, for the
Respondent-State.

CORAM **M.S. Sonak &
Jitendra Jain, JJ.**
DATED: **21 November 2024**

PC:-

1. Heard learned counsel for the parties.
2. The Petitioner seeks the following substantive relief by instituting this Petition :-

“b. This Hon’ble Court may be pleased to issue appropriate Writ, Order or Direction and pleased to quash and set aside the Notices and Intimation letter issued by the Respondent No.3 dated 5.12.2023, 12.03.2024, 31.07.2024, 30.07.2024 (Exhibit C, D and F)”

3. The Letters of Intimation dated 5 December 2023, 12 March 2024 and 30 July 2024 pertain to the pre-consultation procedures. Since the Petitioner has not accepted the liability, the Respondents have issued a show cause notice dated 31 July 2024 to the Petitioner. This show cause notice is at pages 165 to 171 of the paper-book in this Petition.

4. There is no question of interfering with the Intimation letters dated 5 December 2023, 12 March 2024 and 30 July 2024 because these letters are a part of the pre-consultation procedures. Since liability was not admitted, a show cause notice dated 31 July 2024 has been issued, based on which, full opportunity is proposed to be given to the Petitioner.

5. Learned counsel for the Petitioner states that if no reply is as yet filed to the show cause notice dated 31 July 2024, the same will be positively filed on or before 20 December 2024. He says that the Petitioner will also request for a personal hearing in the matter.

6. The concerned Respondent must consider the Petitioner's reply, if filed before 20 December 2024, grant the Petitioner a personal hearing and dispose of the show cause notice dated 31 July 2024 by following the law. The reasoned decision must be communicated to the Petitioner no sooner the same is made.

7. All parties' contentions on merits are kept open because we are not adverted to the same in this Petition.

8. With the above directions, this Petition is disposed of. There shall be no order for costs.

9. All concerned to act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)