

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3793 OF 2024

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NANDIWADEKAR

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Esjaypee Impex Pvt Ltd. & Anr.

....Petitioners

V/s.

Union of India & Ors.

...Respondents

Mr. Pratyushprava Saha i/by Khaitan & Co. for petitioner.

Mr. Vijay H. Kantharia a/w Ms. Niyati N. Mankad for respondent nos.2 & 3.

**CORAM : K.R. SHRIRAM &
JITENDRA JAIN, JJ.
DATE : 21st AUGUST 2024**

P.C. :

1 This petition is filed in peculiar circumstances by which petitioner is seeking effectively a stop work notice on the show cause notice issued on 24th September 2003. According to petitioner, the adjudication proceedings have become stale due to efflux of time.

2 An earlier order had been passed disposing the show cause notice against which petitioner had filed an appeal before the CESTAT. It was petitioner's case that the order-in-original is passed without following principles of natural justice. The CESTAT had set aside the order-in-original and remanded the matter to Adjudicating Authority with a direction to dispose the matter within six months from the date of receipt of reply to the show cause notice after granting a personal hearing. Petitioner states that respondents not only failed to adhere to the time line given by the CESTAT

but out of blue had issued a notice dated 27th May 2024 calling upon petitioner to attend personal hearing on 19th June 2024 at 15.30 hrs. Counsel states that the delay in adjudicating proceedings is causing prejudice to petitioner as none of the documents are traceable.

3 Counsel states now the next date of personal hearing is on 26th August 2024.

4 Mr. Kantharia states that respondents will be filing an affidavit in reply to oppose the petition and orally he also submits that petitioner did not even file reply to the show cause notice as directed in the order of the CESTAT.

5 Matter requires consideration and therefore, we pass following directions :-

- (i) Affidavit in reply to be filed and copy served upon petitioner on or before 6th September 2024.
- (ii) Rejoinder, if any, to be filed and copy served by 20th September 2024.
- (iii) Petition be listed on 30th September 2024.
- (iv) Until 31st October 2024, adjudication proceedings shall not be proceeded with.

(JITENDRA JAIN, J.)

(K.R. SHRIRAM, J.)