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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2898/2024 & CM APPL. 11964/2024**

SAI FERTILIZERS PRIVATE LIMITED & ANR. Petitioners

Through: Mr. Uday Gupta, Sr. Advocate with
Mr. Hiren Dasan, Ms. Shivani Lal,
Ms. Shanta Pandey, Mr. M.K.
Tripathi and Mr. Sadiq Khan,
Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Apoorv Kurup, CGSC with Ms.
Gauri Goburdhun, Advocates for UoI.

+ **W.P.(C) 1586/2024 & CM APPLs. 6587/2024, 11051/2024**

M/S SAI FERTILIZERS PRIVATE LIMITED & ANR.

..... Petitioners

Through: Mr. Uday Gupta, Sr. Advocate with
Mr. Hiren Dasan, Ms. Shivani Lal,
Ms. Shanta Pandey, Mr. M.K.
Tripathi and Mr. Sadiq Khan,
Advocates.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Apoorv Kurup CGSC with Ms.
Gauri Goburdhun, Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

28.02.2024

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1. The Petitioner has approached this Court challenging the Order dated



23.02.2024 passed by the Respondents by which the Petitioner's name has been removed from the Nutrient Based Subsidy Policy.

2. It is stated by the learned Senior Counsel for the Petitioner that the aforesaid Order dated 23.02.2024 has been passed subsequent to issuance of a Show Cause Notice dated 03.01.2024 which is the subject matter of challenge in the W.P.(C) 1586/2024. It is the contention of the learned Senior Counsel for the Petitioner that the Show Cause Notice dated 03.01.2024 gave 15 days' time to the Petitioner to file a response to the Show Cause Notice. He states that the Show Cause Notice dated 03.01.2024 was received by the Petitioner without a copy of the report which was finally supplied to the Petitioner on 09.01.2024. He states that without the period of filing the response to the Show Cause Notice coming to an end, the Termination Order has been passed by the Respondents.

3. Learned CGSC appearing for the Respondents, on instructions from the Department, states that the Termination Order shall be kept in abeyance till 03.03.2024 and the Petitioner will be given an opportunity to file a response to the Show Cause Notice dated 03.01.2024.

4. Learned Senior Counsel appearing for the Petitioner states that the Petitioner should be given at least 10 days' time to file a response to the Show Cause Notice.

5. Considering the facts and circumstances of the case, the Petitioner is permitted to file a response to the Show Cause Notice dated 03.01.2024 by 06.03.2024. The Respondents are directed to pass Orders within a week thereafter.

6. It is for the Respondents to consider as to whether the Petitioner can be given an opportunity of oral hearing in accordance with the Regulations



or not, if the Regulations otherwise permit. It is expected that the Respondents will pass a reasoned Order.

7. In case the Order passed by the Respondents goes against the Petitioner, liberty is granted to the Petitioner to take recourse to all such remedies, as may be available, in accordance with law.

8. In view of the above, the writ petitions are disposed of, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

FEBRUARY 28, 2024

S. Zakir