

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

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**MAT 201 of 2024
With
IA No.: CAN 1 of 2024**

**Bureau of Indian Standards & Anr.
Vs.
Indian Jute Mills Association & Ors.**

For the Appellants : Mr. Saikat Roy Chowdhury, Advocate
Mr. Aritra Ghosh, Advocate

For the Respondent Nos.1 & 2: Mr. Abhrojit Mitra, Ld. Sr. Advocate
Ms. Rajshree Kajaria, Advocate
Mr. Sarvopriyo Mukherjee, Advocate
Mr. Satadeep Bhattacharyya, Advocate
Mr. Deepan Kr. Sarkar, Advocate (Through V.C)
Mr. Samriddha Sen, Advocate

For the Union of India : Mr. Dibashis Basu, Advocate
Mr. Arun Bandyopadhyay, Advocate

Hearing & Judgment on : September 8, 2025

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of Bureau of Indian Standards and its functionaries and directed against an order dated December 19, 2023 passed in WPA 28535 of 2023.

2. Learned Advocate appearing for the appellants submits that, the learned Single Judge erred in appreciating the facts of the case. He submits that, the issue of finalization of standards for the purpose of Jute and Polypropylene Union Bag intended for packing 50 kg foodgrain was considered by the Sectional Committee. He submits that, the Sectional Committee prepared a draft for consideration. Such draft was finalized on May 19, 2023.
3. Learned Advocate appearing for the appellants submits that, the Sectional Committee sought legal opinion on a particular subject on September 1, 2023. Sectional Committee was not authorized for the purpose of obtaining such legal opinion. In any event, the action of the Sectional Committee seeking legal opinion does not impede the Division Council from taking a decision on the laying down of the standards.
4. Learned Advocate appearing for the appellants submits that, a Member of the Sectional Committee forwarded the draft of the finalization of standards to the Division Council. The Division Council considered the draft and adopted the same on May 30, 2023. Therefore, he submits that, there is no error of jurisdiction on the part of the Division Council in taking the decision.
5. Learned Advocate appearing for the appellants refers to the representation made by the writ petitioners. He submits that, the writ petitioners did not take the point of breach of principles of natural

justice by the Division Council in the representation. Consequently, the issue with regard to the alleged breach of principles of natural justice by the Division Council should not be allowed to be urged by the writ petitioners at least on the appeal stage.

6. Learned Advocate appearing for the appellants submits that, Sectional Committee took into account all aspects of the matter and prepared the draft for finalization. Such draft was considered by the Division Council and adopted on May 30, 2023. Consequently, such decision of the Division Council should not be quashed as done by the learned Single Judge.
7. Learned Senior Advocate appearing for the writ petitioners submits that, there are several representations. The representations refer to breach of principles of natural justice. He refers to the grounds of the writ petition and submits that, breach of principles of natural justice is a ground in the writ petition.
8. At the hearing of the appeal, learned Advocate appearing for the appellants submits a chart with regard to the decision-making process of the appellant no.1. In accordance with such chart, a Panel is at the lowest level with a Sub-Committee over that and Sectional Committee over a Sub-Committee. The Division Council is above a Sectional Committee. The Division Council is below the Standards Advisory Committee which is obviously a functionary of the appellant no.1.

9. In the facts and circumstances of the present case, the Sectional Committee was initially constituted and empowered to consider the finalization of standards for Jute and Polypropylene Union Bag intended for packing 50 kgs of foodgrain. Sectional Committee was empowered to decide on various other issues. Writ petition is confined with the working of the appellants and the prescription of standards with regard to the Jute and Polypropylene Union Bag intended for packing 50 kgs of foodgrain. We, therefore, limit our discussion to such aspect only.
10. At the Sectional Committee stage, the issue was being considered by the Sectional Committee. Various representations were made by various stakeholders to the Sectional Committee. Apparently, Sectional Committee prepared a draft.
11. Despite our repeated requests for production of all records, nothing is placed before us to show that the Sectional Committee met in its entirety or at least a Coram of Sectional Committee met to consider and finalize the draft in such meeting. Apparently, one of the members of the Sectional Committee forwarded the draft to the Division Council for consideration. Apparently, the Division Council proceeded on the basis of such communication and adopted the draft on May 30, 2023.
12. Sectional Committee is yet to apply its mind on the draft for it to take a decision thereon. Therefore, a Member of the Sectional Committee cannot unilaterally send the draft to the Division Council for its

- consideration. The Division Council erred in considering such communication of one of the Members of the Sectional Committee and adopting the draft in its meeting on May 30, 2023.
13. A decision on finalization of standards of the nature as done by the Division Council no doubt affects stakeholders such as the writ petitioners. It affects the rights of the writ petitioners to carry on business.
 14. Since rights of the writ petitioners stand affected by a decision taken by the Executive, principles of natural justice must be adhered to by the Executive taking such decision.
 15. In the facts and circumstances of the present case, we are not shown any decision of the Sectional Committee to place its decision on the draft to the Division Council. In fact, the Sectional Committee is yet to take a decision on the draft.
 16. The draft, therefore, is yet to be finalized by the Sectional Committee. Therefore, the Division Council did not have any matter before it from the Sectional Committee who formed its opinion on it or adopted it in its meeting on May 30, 2023.
 17. In the facts and circumstances of the present case, the Division Council did not hear the writ petitioners before us prior to it adopting the draft on May 30, 2023 assuming it could do so.
 18. In our view, the jurisdiction of the Division Council was not activated appropriately in terms of Rule 22(4) & (5) of the Bureau of Indian

- Standards Rules, 2018. Learned Single Judge correctly set aside the decision of the Division Council.
19. In view of the discussion above, we find no merit in the present appeal.
20. **MAT 201 of 2024** and **IA No.: CAN 1 of 2024** are **dismissed** without any order as to costs.
21. We clarify that this judgment and order will not prevent the authorities from taking a decision in accordance with law.

(Debangsu Basak, J.)

22. I agree.

(AD)

(Md. Shabbar Rashidi, J.)