

07.05.2025
Item No.ML 152
Court No. 14
AGM

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.8090 of 2025
Shivakriti International Limited & Anr.

-vs-

Union of India & Ors.

Mr. Jishnu Chowdhury, sr. adv.
Mr. A. Agarwalla, adv.
Mr. Varun Kothari, adv.
Ms. Debashri Mukherji, adv. ...for the petitioners

Mr. Shounak Mukhopadhyay.
Mr. Supriyo Gole
... for the respondent nos. 2 and 3.

1. The order of ban dated 28th March, 2025 passed by the respondent no. 3 is impugned herein.
2. The petitioner stress on the fact that no opportunity of hearing was given to the petitioner prior to passing the impugned order. There has been violation of principle of natural justice.
3. Prayer has been made to set aside the ban order.
4. Learned advocate representing the respondent authority submits that a notice to show cause was given to the petitioner. No reply was given by the petitioner to the show cause notice.
5. The order impugned is an appealable one. The petitioner ought to have preferred an appeal instead of filing the writ petition.
6. It has been brought to the notice of the Court that the reply to the show cause was filed by the petitioner at a wrong e-mail address. The reply actually did not reach the authority.

7. It appears that there must have been some error in mentioning the e-mail ID for which the reply to the show cause notice did not reach the competent authority.
8. Only for the purpose of ensuring that the principles of natural justice are complied with, the competent authority of the respondent nos. 2 and 3 is directed to grant a further opportunity of hearing to the petitioner.
9. The petitioner shall be permitted to submit reply to the proper e-mail ID which has been handed over by the learned advocate representing the aforesaid respondents to the learned advocate representing the petitioner in Court today. The proper e-mail ID is the one from where the show cause notice had been issued to the petitioner.
10. The reply to the show cause shall be filed by 9th May, 2025. If the show cause is filed within the aforesaid time period, the competent authority shall take consequential steps thereafter by affording an opportunity of hearing to the petitioner.
11. The impugned order of ban shall be kept in abeyance still a fresh order is passed.
12. The writ petition stands disposed of.
13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Amrita Sinha, J]

