

19.03.2026
Item No.9
Ct. No. 30
Aloke

WPA 5104 of 2026

**Kharagpur Metal Reforming Industries Pvt. Ltd.
Vs
Union of India & Anr.**

Mr. Sourojit Dasagupta
Mr. Abhishek Jain
... for the petitioner

Mr. Avijit Tewary
... for the respondent/P.F. Authority

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for setting aside of the order dated January 27, 2026, passed by the respondent no. 2 in relation to Diary No. 144/2024 and further praying for direction against the respondents herein not to initiate any proceedings against the petitioner no.1 in relation to any alleged dues pertaining to any period prior to February 11, 2020.
3. Leaned counsel for the petitioner submits that there has been serious violation of the principle of natural justice considering that vide the impugned order the authority concerned being the respondent no. 2 herein has relied upon 26 judgments without giving an opportunity to the petitioner to counter the said judgments and by using the said judgments the authority concerned has passed the impugned order against the petitioner herein. The judgment of the Division

Bench of this Court has been relied upon 39 to 41 wherein the Court held as follows :

“39. The final aspect in this appeal pertains to the desirability of judicial precedents being cited in a judgment or order without such authorities being brought to the notice of the parties. Viewed from the perspective of a party against whom a decision is made on the basis of a judicial precedent not referred to in course of the arguments, it would amount to a breach of the most elementary canons of natural justice. It is possible that the perspective in which a judicial precedent is read or understood may be altered upon a party to the action having a chance to explain the same or being afforded an opportunity to bring any other authority to bear on the issue.

40. Indeed, the miscarriage of justice that may be occasioned by a judgment referring to judicial authorities without such precedents being brought to the notice of the parties or the party likely to be affected thereby, is evident from the judgment and order impugned. The passage from Mardia Chemicals that was relied upon in the judgment impugned and appears to have weighed heavily with the trial court was clearly not the dictum laid down in Jagdish Singh. Upon Jagdish Singh noticing Mardia Chemicals and interpreting the law to be as evident from paragraph 25 of the report therein, it was the later dictum which was binding on the trial court. If the appellants herein were made aware of these two judgments being cited against them, they may have had the opportunity to point out

such aspect of the matter as has been done in course of the present appeal.

41. *It is, therefore, held that it is generally undesirable that judicial precedents be referred to or made the basis for any finding in a judgment without the attention of the parties represented before the court first being drawn to them.”*

4. Considering the said facts, this Court finds that the authority concerned has acted against the principle of natural justice by using 26 judgments to hold the case against the petitioner herein and there has been clearly an abuse of the process of law.
5. Accordingly, the impugned order dated January 27, 2026, passed by the respondent no. 2 in relation to Diary No. 144/2024, be set aside and the matter is remanded back to the respondent no. 2 who shall give an opportunity to the petitioner to counter the said judgments and also to extend any further arguments, if required, shall consider the total matter afresh and pass a fresh reasoned order, in accordance with law.
6. **WPA 5104 of 2026 stands disposed of.**
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)