
(2012) 08 CAL CK 0074
In the Calcutta High Court

Case No : Writ Petition No. 18195 (W) of 2012 with CAN No. 8263 of 2012

Ambica Jute Mills and Another

APPELLANT

Vs

The Jute Commissioner and Others

RESPONDENT

Date of Decision : 27-08-2012

Acts Referred:

Citation : (2012) 08 CAL CK 0074

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Jayanta Kumar Mitra, Mr. Samit Talukdar, Mr. P. Sarawagi and Ms. D. Adhikary, for the Appellant; Kaushik Chanda, Saptansu Basu, Debajoit Datta and Ms. Vijaya Bhatia for the CAN, for the Respondent

Judgement

Jayanta Kumar Biswas, J.—The petitioners in this WP under art. 226 dated August 13, 2012 are aggrieved by four orders (WP pp.114-120) all issued under para.4 of the Jute and Jute Textiles Control Order, 2000 (WP p.33). By the orders the first petitioner was directed to produce the number of jute bags mentioned in the orders during the respective periods also mentioned in the orders.

2. The petitioners have stated that with the existing 1552 spindles they could not produce more than 6692 bales (each bale containing 500 jute bags), and that in spite of knowledge of the number of spindles and their maximum production capacity, the authority issued the statutory orders warning that the first petitioner's failure to comply with the orders would be viewed very seriously.

3. Mr Mitra appearing for the petitioners has submitted that documents produced with the WP, especially an inspection report and an undertaking, will clearly show that during the period in question the first petitioner could not produce more than 6692 bales of jute bags. He has said that by the four orders the authority has asked the first petitioner to produce 9224 bales of jute bags, - an impossibility with the present production capacity.

4. Mr Chanda appearing for the authority who issued the four orders has

submitted that in the public interest the first petitioner was ordered to produce the specified number of jute bags. He has said that according to his instructions with the 1552 spindles in ordinary course the first petitioner could produce a maximum of 6500 bales of bags; but that with the upgraded technology the first petitioner could produce the number of bags specified in the four orders.

5. Mr Basu pressing the CAN has submitted as follows. An association has filed the CAN for its addition. Under an arrangement the association is entitled to 100% reservation. The first petitioner's refusal to produce the number of bags specified in the orders will defeat the reservation benefit. As a member of the association the first petitioner is bound to produce the bags specified in the four orders.

6. The admitted position is that the authority issuing the four orders has not made an inquiry for ascertaining whether with its existing production capacity the first petitioner could produce the number of bags specified in the four orders. In my opinion, the fact-finding inquiry ought to have been made by the authority, especially when the authority has mentioned that the orders were issued in public interest.

7. I think it will be appropriate to ask the authority issuing the orders to make an inquiry and examine the merits of the petitioners' grievances. For these reasons, I dispose of the WP ordering as follows. If the petitioners submit a detailed representation to the authority that has issued the four orders within a week, then within a fortnight from the date of receipt thereof the authority shall give a decision after hearing the petitioners. The authority will be free to hear the association. The CAN (not appearing and treated as on the day's list by consent of the parties) shall be deemed to be disposed of. No costs. Certified xerox.