
(1999) 11 GUJ CK 0006

In the Gujarat High Court

Case No : Special Civil Application No. 9334 of 1999

Anjani Synthetics Ltd. and Another

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 25-11-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 67 ECC 512

Hon'ble Judges : J.N. Bhatt, J;D.C. Srivastava, J

Bench : Division Bench

Advocate : Paresh M. Dave, for the Appellant; Akshay H. Mehta, for the Respondent

Judgement

J.N. Bhatt, J.—Rule service of which is waived by learned Central Government Standing Counsel Mr. Akshay Mehta for the respondents.

2. Upon joint request and in view of the special facts and circumstances, the petition is taken up today itself for final hearing.

3. In this petition under article 226 of the Constitution of India, the only question which requires consideration is whether the impugned action and the order in refusing abatement in respect of hot air stenter was taken without affording an opportunity of hearing or not. It appears from the record, very clearly, that before passing the impugned order, no such opportunity was given. Therefore, the impugned order suffers from the vice of non-hearing. In the circumstances, the petition is required to be allowed on that ground alone.

4. Consequently, respondent No. 2, Who has recorded the impugned order, is directed to reconsider the representation and the request made by the petitioner after giving him an opportunity of hearing available under the law and pass fresh speaking order. The matter is, therefore, accordingly, remanded. Rule is made absolute to that extent with no order as to costs.