

**(1999) 07 AHC CK 0112**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 18341 of 1991

D.C.Jain Industries and Another

APPELLANT

Vs

Additional Director Industries, Western Zone, Meerut and  
Another

RESPONDENT

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**Date of Decision :** 05-07-1999

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (1999) 07 AHC CK 0112

**Hon'ble Judges :** D.S.Sinha, J and Onkareshwar Bhatt, J

**Final Decision :** Allowed

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## **Judgement**

1. Heard Shri Janardan Sahai, learned counsel appearing for the petitioners and Shri Vijay Malaviya, learned Standing Counsel of the State of U.P., representing the respondents.

2. M/s. D.C. Jain Industries, the petitioner No. 1, a firm registered under the Indian Partnership Act of which Shri Alok Kumar Jain, the petitioner No. 2, is a partner, was granted permanent S.S.I. Registration certificate dated 20th November, 1989 for running a Small Scale Steel Rerolling Mill.

3. By means of impugned notice dated 27th June, 1991 a copy whereof is Annexure 4 to the petition, petitioners have been called upon to show cause as to why their registration certificate dated 20th November, 1989 be not cancelled, on the allegation that the same was granted contrary to Rules.

4. A perusal of the impugned notice discloses that the notice is absolutely vague; no rules, violation whereof is alleged, are specified. Indeed, petitioners are called upon to show cause in respect of violation of unidentified Rules. In the absence of identification of the specific rule or rules, it would be rather impossible for the petitioners to respond to the impugned notice. The impugned notice suffers from the vice of vagueness, and cannot be sustained.

5. It is apposite to notice here that despite time being granted therefore and

lapse of about eight years, respondents have not filed counteraffidavit informing the court about the rule or rules alleged to have been violated while granting registration certificate dated 20th November, 1989.

6. In the result, the petition succeeds and ii allowed. The impugned notice dated 27th June, 1991, a copy whereof is Annexure4 to the petition is quashed. There is no order as to costs.

7. It is clarified that quashing of the impugned notice shall not prevent the respondents from issuance of fresh notice in accordance with law and to initiate appropriate proceedings afresh.