

(2019) 09 CAL CK 0096

In the Calcutta High Court

Case No : Temporary Number (AST) No. 39 Of 2019

Hooghly Infrastructure Pvt. Ltd

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 26-09-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 09 CAL CK 0096

Hon'ble Judges : Shekhar B. Saraf, J

Bench : Single Bench

Advocate : Utpal Bose, Utpal Majumder, Mainak Bose, Pushan Kar, Sapnil Majumdar, Aniruddha Chatterjee, Rahul Karmakar, Surya Prasad Chattopadhyay

Final Decision : Disposed Of

Judgement

Shekhar B. Saraf, J

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is challenging the impugned action of the Jute Commissioner being the respondent no.2 and the notice issued on September 19, 2019.

2. It is the case of the petitioner that the petitioner is in the business of manufacture of jute bags under the Production Control-cum-Supply Orders (hereinafter referred to as "PCSO") and is also manufacturing jute bags for the purpose of export.

3. Mr. Utpal Bose, learned Senior Advocate appearing on behalf of the petitioner submits that for the purpose of export, the petitioner imports jute from Bangladesh and uses the said jute for his export commitment.

4. Mr. Aniruddha Chatterjee, learned Counsel appearing on behalf of the Jute Commissioner submits that on September 17, 2019 an inspection had been carried out at the two godowns of the petitioner and inventory has been carried out by the officials. He also submits that a seizure list was also prepared but

unfortunately the petitioner did not agree to sign and take a copy of the seizure list. He also submits that upon such an event happening the officials have sealed the two godowns of the petitioner containing the jute bales of Indian and foreign origin.

5. I have heard learned Counsel for the appearing parties and perused the materials on records.

6. On instruction, Mr. Chatterjee has submitted that the respondent authorities shall have no objection in the event Indian jute bales being removed from the godowns of the petitioner under the supervision of the Jute Commissioner. He however submits that the Jute Commissioner be allowed to proceed with the notice issued on September 19, 2019.

7. In my view, the submissions of Mr. Chatterjee are fair, and accordingly, I direct the Jute Commissioner to allow the petitioner to take out the bales of jute of Indian origin from the two godowns under the supervision of the Jute Commissioner within a period of seven days from date. It is made clear that the jute imported from Bangladesh shall not be taken out from the godowns. The Jute Commissioner is further at liberty to proceed with the notice issued on September 19, 2019. Needless to mention, the petitioner shall cooperate with the Jute Commissioner with regard to the same and the Jute Commissioner shall also give an opportunity of hearing to the petitioner before passing any final order with regard to such notice.

8. With the above directions, this writ petition is disposed of.

9. Since no affidavit is called for, all allegations made in the writ petition are deemed not to have admitted.

Photostat plain copy of this order duly counter-signed by the Assistant Registrar (Court) be handed over to the parties on usual undertaking.