

(2017) 06 MAD CK 0106

In the Madras High Court

Case No : 261 & 262 of 2017 and W M P Nos 281 to 283 of 2017

M/s.Marudhar Agency, Represented by its Proprietrix
Mrs.Sumitra Bai, & Anr.

APPELLANT

Vs

The Additional Director General, Directorate of Revenue
Intelligence, & Anr.

RESPONDENT

Date of Decision : 06-06-2017

Acts Referred:

Citation : (2017) 06 MAD CK 0106

Hon'ble Judges : Ravichandrabaabu

Bench : SINGLE BENCH

Advocate : Ravichandrabaabu

Judgement

1. Both these writ petitions are filed by different writ petitioners, challenging the order passed by the second respondent dated 28.09.2016, rejecting the request of the petitioner for cross-examination of one Manoj Arjun Gore, during the adjudication proceedings. Consequently, both the petitioners seek for a direction to the second respondent to permit for cross-examination of the said person referred to in the Show Cause Notice dated 28.02.2014.

2. Heard the learned counsel for the petitioners in both the Writ petitions and the learned counsel appearing for the respondents.

3. The grievance of the petitioners is that the Adjudicating Authority has contemplated to rely on a statement recorded from the said Manoj Arjun Gore against the interest of the petitioners in each case, without affording an opportunity of cross examination of such person. According to the petitioners, unless they are given such opportunity to cross-examine the said person, they would be denied the reasonable opportunity to defend their case before the Adjudicating Authority.

4. In the impugned proceedings, the second respondent denied such opportunity to the petitioners by contending that they have been given an opportunity to

counter the statement in their defence reply during the personal hearing.

5. Today, when the matter is taken up for final disposal, the learned counsel appearing for the respondents, based on instructions, submitted that the Adjudicating Authority will proceed to pass orders based on the records available and however if the statement of the said Manoj Arjun Gore is sought to be relied on by the Adjudicating Authority, certainly the petitioner will be given an opportunity to cross-examine the said person.

6. Therefore, the learned counsels for the respondents submitted that the petitioners interest will be protected by permitting such cross examination, if the second respondent is going to rely on such statement of the said person. Accordingly, they submitted that the above undertaking may be recorded and these writ petitions may be disposed of.

7. The learned counsel for the petitioners submitted that if the second respondent is not going to rely on the statement of the said person, there is no necessity for the petitioner to cross examine such person. On the other hand, the learned counsel submitted that, if the second respondent is going to rely on the said statement, the petitioners interest should be protected by permitting them to cross examine the said person.

8. Considering the submissions made by the learned counsels for the respondents and their undertaking given before this Court, as stated supra, I do not think that the petitioner can have any grievance as of now. Accordingly, these writ petitions are disposed of, by recording the undertaking given by the respondent No costs. Connected miscellaneous petitions are closed.