

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 1511 of 2020

HARSH UDYOG having its unit situated at C-30(P), Kandra Industrial Area, P.O. Bhitya, Govindpur, District: Dhanbad, Jharkhand (828109) through its authorized representative Sri Anup Sharma aged about- 48 years, Son of Santosh Kumar Sharma, Resident of Near Jharia Thana, P.O. Jharia, P.S. Jharia, District- Dhanbad, Jharkhand (828111) (Aadhar No. 294178111710). **...Petitioner**

Versus

1. The State of Jharkhand
2. The Secretary, Department of Industries, Govt. of Jharkhand, 2nd Floor, New FFP Building. Project Bhawan, Dhurwa, Ranchi, Jharkhand (834004).
3. Jharkhand Industrial Area Development Authority (JIADA), through its Managing Director-Cum-Secretary, Department of Industries, Govt. of Jharkhand, 2nd Floor, New FFP Building, Project Bhawan, Dhurwa, Ranchi, Jharkhand (834004).
4. The Regional Director-Cum-Deputy Commissioner, Bokaro, Jharkhand Industrial Area Development Authority, Bokaro Area, BIADA Bhawan, Bokaro Steel City, P.O. & P.S. Balidih, Bokaro Steel City, Jharkhand (827014).
5. The Secretary (Presently designated as Deputy Regional Director), Jharkhand Industrial Area Development Authority, Bokaro Area, BIADA Bhawan, Bokaro Steel City, P.O. & P.S. Balidih, Bokaro Steel City, Jharkhand (827014). **... Respondent(s)**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Rahul Kumar, Advocate.
For the Respondent(s) : Mr. Mohan Kumar Dubey, AC to AG

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07/ 05.05.2026: By way of filing this writ petition, the petitioner has sought for the following reliefs:-

a) For issuance of appropriate writ/order/direction or a writ in the nature of certiorari for quashing the final show cause notice contained in letter no. 167 dated 07.03.2020 (received on 17.03.2020) ((Annedure-9) and issued under the signature of Secretary, Jharkhand Industrial Area Development Authority, Bokaro Steel City, whereby and whereunder the said authority called upon the petitioner to submit a reply as to why for violation of order of allotment/agreement/lease deed, the allotment of plot no. C- 30(P) be cancelled, while considering the facts :-

i. The final show cause notice has been issued out of biasness and concerned authorities have come out with the pre-occupied mind and that too issued directly without giving any formal letter or show cause therefore, the show cause notice is nothing but merely a ritual or formality.

ii. The show cause notice is served upon the petitioner on the basis of an enquiry of the unit conducted on 04.02.2020 behind the back of the petitioner or any of the representative or without any prior information, however, for enabling the petitioner to submit the proper reply, the

copy of the said enquiry report has never been provided which is violative of principles of natural justice.

iii. It can be inferred from the contents of the show cause that a pre-occupied mind is being reflected therefrom.

b) For issuance of appropriate direction upon the respondent authorities not to take any further coercive action i.e. cancellation of allotment /agreement / lease deed of plot and to further carry fresh inspection in presence of the petitioner/representative after the order of lockdown out a is lifted and the unit starts functioning to its capacity and with man power.

2. It is the case of the petitioner that the petitioner was allotted land and executed a lease deed with BIADA on 27.08.1997 after commencing production. A show-cause notice dated 13.10.2000 was issued alleging that the unit had remained non-functional for three years, to which the petitioner replied on 10.11.2000 stating that the unit was operational and is not coal-based. Another show-cause notice dated 05.01.2002 was issued, and the petitioner responded on 16.02.2002 stating that production activities were ongoing. After about 18 years, a fresh final show-cause notice dated 07.03.2020 was issued based on an inspection conducted on 04.02.2020 alleging closure of the unit. The notice was received on 17.03.2020 and another inspection with videography was conducted in which the petitioner requested copies of inspection reports and videographs, which were not supplied. Hence the petitioner requests that no coercive action be taken until normal operations of the unit are restored.

3. Learned counsel for the petitioner submits that the impugned show-cause notice dated 07.03.2020 is arbitrary and biased. He further submits that there is no evidence of closure of the unit, as the inspection report and videography were not provided. He also submits that conducting inspections and initiating proceedings during the COVID-19 lockdown was unfair and unreasonable. He also submits that a show-cause notice must clearly specify allegations and provide a fair opportunity to respond, which has not been done in the present case. Therefore, the petitioner seeks quashing of the impugned notice and requests that no coercive action be taken until normal operations of the unit are restored.

4. Learned counsel appearing on behalf of the respondents submits that the present writ petition is premature and not maintainable in law, as it has been filed merely against a show-cause notice. A show-cause notice does not give rise to a cause of action unless it is shown to be wholly without jurisdiction or patently illegal. He also submits that the petitioner had an adequate opportunity to submit a reply before the competent authority.

The impugned show-cause notice dated 07.03.2020 has been issued strictly in accordance with the terms and conditions. He also submits that the inspection conducted on 04.02.2020 was part of a routine exercise carried out by the authority to verify the operational status of allotted industrial units.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents. The petitioner has sought intervention of this Court against the show cause notice as contained in letter no. 167 dated 07.03.2020 issued by the respondent authority alleging therein that during site inspection, the petitioner's unit was found closed and it appeared that production was not being carried out in the said unit for a considerable period of time. It has further been stated that earlier also the petitioner was issued show cause notices on two occasions. The said show cause notice has been replied by the petitioner; however, no final decision has yet been taken thereon.

6. So far as entertaining a writ petition at the stage of issuance of show cause notice is concerned, the Hon'ble Supreme Court in the case of "**Union of India & Anr. vs. Kunisetty Satyanarayana**" reported in (2006) 12 SCC 28 has held as under:-

"14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ petition lies when some right of any party is infringed. A mere show-cause notice or charge sheet does not infringe the right of anyone. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance.

15. Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice.

16. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter."

Thus, unless there exist exceptional circumstances, the High Court ought not to interfere at the stage of issuance of show cause notice. In the present case, the petitioner has failed to demonstrate any such exceptional circumstance warranting interference under Article 226 of the

Constitution of India. The allegations made in the impugned notice are essentially factual in nature and are based on inspection report regarding the operational status of the petitioner's unit. The petitioner has already submitted its reply denying the allegations, which shall be considered by the competent authority in accordance with law.

7. Under the aforesaid circumstances, this Court is of the view that all the pleas raised by the petitioner can very well be adjudicated upon by the competent authority. Thus, without entering into the merits of the rival contentions, the writ petition is disposed of with a direction to the respondent authority to pass appropriate order, pursuant to the impugned show cause notice dated 07.03.2020, after considering the reply filed by the petitioner and after providing adequate opportunity of hearing to the petitioner or its representative, within a period of three months from the date of receipt/production of a copy of this order. It is made clear that the inspection report and the videograph, if sought to be relied upon by the respondent against the petitioner, must be supplied to the petitioner.

8. With the aforesaid observations, this writ petition stands **disposed of**. Pending interlocutory applications, if any, also stands disposed of.

(ANANDA SEN, J.)

05th May, 2026
Anu/- Cp2.
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