

4. Mr. M.S. Mittal, Senior Counsel appearing on behalf of the petitioner submitted that thereafter they did not received any notice and they had no knowledge about the next date of hearing. Subsequently, they came to know that the said case was disposed of by order dated 18.12.2014

5. Learned counsel submitted that the petitioner could not get opportunity to place its case for consideration of the Commission and the said order passed in absentia is highly prejudicial. The petitioner shall suffer irreparable loss and injury if the order is not recalled and opportunity of hearing is not afforded to the petitioner.

6. The respondents have not disputed the said factual position. Learned counsel appearing on behalf of the respondents accepted that the petitioner did not get opportunity of hearing and the order dated 18.12.2014 was passed in their absence.

7. We also verified from the records and did not find any trace of service of notice of the date of hearing to the petitioner after 22.4.2014.

8. In view of the said admitted position and the facts and circumstances appearing on record, we are satisfied that the petitioner could not get proper opportunity of hearing before the order dated 18.12.2014 was passed.

9. We, therefore, find sufficient reason for recalling the order dated 18.12.2014 passed in Case No. 23 of 2012.

10. In the result, this petition is allowed. Case No. 23 of 2012 is restored to its original file. The said case shall be listed on Board on 25.5.2015 for fixing fresh date of hearing in Case No. 23 of 2012, in presence of the parties.

Sd/-
(Sunil Verma)
Member (Fin)

Sd/-
(N.N. Tiwari, J)
Chairperson