

Court No. - 18

Case :- WRIT - C No. - 11586 of 2023

Petitioner :- M/S S.B. Cold Storage And Ice Factory Ltd. Lko.
Thru. Authorized Representative Mr. Shahan Ahmad

Respondent :- Shri Krishna Pandey And Another

Counsel for Petitioner :- Anand Mani Tripathi, Samanvya Dhar Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh, J.

Heard Sri Anand Mani Tripathi, learned counsel for the petitioner, Sri S.B. Maurya, learned standing counsel for the State and perused the record.

Instant petition has been filed with following reliefs:-

i) issue a Writ Order or direction in the nature of Certiorari quashing the impugned order dated 10.05.2023 passed in PG Case no. 180/2021.

ii) issue a Writ Order or direction in the nature of Certiorari quashing the impugned recovery certificate dated 06.11. 2023.

iii) issue any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iv) award the cost of the writ petition to the Petitioner.

At the very outset, learned counsel appearing for the petitioner submits that the petitioner though, has remedy to appeal against the impugned order dated 10.05.2023, but his apprehension is that the interim relief application could not be decided at earliest by the appellate court and therefore, his submission is that he will the appeal within a period of fifteen days and along with interim relief application and the appellate authority may be directed to decide the interim relief application within stipulated period of time as may be fixed by this Court.

Learned counsel for the State has no objection to the

contentions aforesaid.

In view of the aforesaid submissions, the petitioner is at liberty to move an appeal within a period of fifteen days along with the application for interim relief and if such an appeal is filed within aforesaid period of time as is said by the petitioner, the appellate authority shall decide the interim relief application within further period of thirty days, firstly, going into the matter that the maintainability of appeal is there, in accordance with law, after affording opportunity of hearing to all the parties, if there is no legal impediment.

The aforesaid order is subject to cooperation of the petitioner.

Accordingly, the instant petition is **disposed of**.

Order Date :- 22.12.2023

Mayank