

24-03-2021
Item no. 4
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

CAN No.2 of 2021
in
FMA No.1401 of 2019
Sri Rabindra Nath Ghosh & Ors.
-vs-
State of West Bengal & Ors.

Mr. Rajarshi Dutta
Mr. VVV Sastry
Mr. Tridib Bose
Ms. Shivika Tiwary ...for the applicant

Mr. Subhasish Pachhal
Mr. R. Sinha ...for the respondent/appellant

Ms. Jayeeta Sinha
Mr. Somnath Basu ...for the State

This (CAN No.2 of 2021) is an application by the ninth respondent in the appeal – Summit Digitel Infrastructure Private Limited (the demerged undertaking of Reliance Jio Infocomm Limited) – to set aside an order dated 5th November 2018 disposing of the appeal.

There is a long delay in making this application which was filed on or about 2nd March 2021.

Mr Rajarshi Dutta, learned counsel for the applicant, submits that the said order was obtained by the appellants without notice and knowledge of his client.

Explanation ought to be given in the application for the delay in making it and the alleged sharp practice adopted by the appellants.

It is not necessary for us to go into these questions at this point of time, because by the passage of time, the writ application is ready for hearing. Furthermore, this

order of injunction has been operational for over two years. All the disputes between the parties can be resolved at the hearing of the writ application. The applicant may approach the learned single judge for early disposal of the writ application.

The only modification, we make the order dated 5th November 2018, is that this interim order shall be operational till 30th June 2021 or until further orders to be made by the learned single judge, whichever is earlier.

It is made clear that all questions are kept open before the learned single judge, including extension of the interim order, if the situation so demands.

This application is disposed of.

[I.P. Mukerji, J]

[Md. Nizamuddin, J]