

08.09.2020

Court No. 8
Item No. 12
Subrata/Subha

In The High Court At Calcutta

**Civil appellate jurisdiction
Appellate Side**

MAT No.532 of 2020

Santosh Promoters Private Limited & Anr.

-vs-

Union of India & Ors.

with

CAN No.5826 of 2020

and

CAN No.5827 of 2020

Mr. Abhrajit Mitra

Mr. S. Mukherjee

Mr. S. Ghose

Mr. Bikash Shaw

...for the appellants

Ms. Debjani Roy

Mr. Sumitava Chakraborty ...for respondents 2&3

A short issue is involved in this appeal. We heard out the appeal dispensing with all formalities.

The impugned order dated 18th August 2020 cannot be sustained. The learned judge had the option to refuse the adjournment and dismiss the application for inability on the part of learned counsel to proceed with the matter. Instead of doing so, his lordship adjourned the application. This simply meant that the petitioners' prayer for adjournment was acceded to. The adjournment was for three months. Certain observations were made in the said order directing the respondents to "expeditiously proceed" with the show-cause notice.

We are told that the respondents have proceeded in terms of the order.

This adjournment, to facilitate the petitioners to make submissions in court, caused grave prejudice to

them.

We are of the opinion that the order dated 18th August 2020 should be set aside and the writ application heard de novo at the motion stage. We order accordingly.

We direct the writ application to be placed as a motion before the appropriate court on 10th September 2020. On the basis of this order an appropriate prayer for adjournment, if necessary, may be made before the respondent-authorities by the petitioners. It shall consider such prayer in accordance with law.

The appeal (MAT No.532 of 2020) and the connected applications (CANs No.5826 and 5827 of 2020) are disposed of accordingly.

[I.P. Mukerji, J]

[Md. Nizamuddin, J]