

20.01.2021
KC(6)

M.A.T. 78 of 2021
M/s. Murlidhar Ratanlal Exports Limited
(Unit of Gondalpara Jute Mill)
-versus-
Netai Khan and Ors.
With
CAN 1 of 2021
(Via Video Conference)

Mr. Abhrajit Mitra,
Mr. Soumya Majumdar,
Ms. Amrita Pandey,
Ms. Anamika Pandey.....For the appellant.

Mr. Bikash Shaw.....For the respondent
no. 1.

Mr. Susanta Pal.....For the respondent
no. 2.

Mr. Partha Sarathi Sengupta,
Mr. Shyamal Kumar Sarkar,
Mr. Kumar Gupta,
Mr. Bhaskar Mukherjee.....For the respondent
no. 5.

The appeal from an order dated 14th January, 2021 passed by a learned single judge of this court at the interim stage of the writ application is formally admitted.

As the point involved is very short, we dispose of the appeal itself today, dispensing with all formalities.

Mr. Abhrajit Mitra, learned senior advocate for the appellant draws our attention to an order dated 12th May, 2017 passed by the Appellate Authority to the following effect :

“Having heard the submission of both parties, as the representative of MREL claim that respondent got payment and in support submits receipt and that it cannot be adjudicated in correct forum whether the receipt is valid, the case is hereby transferred to the Certificate Officer, Chandannagar to check & verify

evidences submitted by the parties and ascertain whether the respondent got payment.”

In those circumstances, the matter stands remitted back to the Certificate Officer, Chandannagar for the purpose of determination whether the writ petitioner received payment.

In view of the above, we are not inclined to interfere with the impugned order of the learned single judge except to the extent that the order directing the appellant/respondent no. 4 in the writ petition to deposit Rs. 1,72,049/- with the Registrar General, High Court at Calcutta may be made only upon failure of the appellant to produce the original receipt or produce sufficient evidence of payment in accordance with law. Hence, that part of the order “I direct the respondent no. 4” is set aside.

We make it clear that self-same order may be passed in appropriate circumstances during the hearing of the writ petition.

All observations are tentative. All points are kept open before the learned single judge.

The appeal and the connected application are disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

