

15.3.2021

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**C.A.N. No.1 of 2021
M.A.T. No.232 of 2021
Arising out of
W.P.A. No.11399 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-**

Mithun Josh & Ors.

-And-

**C.A.N. No.1 of 2021
M.A.T. No.233 of 2021
Arising out of
W.P.A. No. 11409 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-**

Tapan Patwai & Ors.

-And-

**C.A.N. No.1 of 2021
M.A.T. No.234 of 2021
Arising out of
W.P.A. No.11414 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-**

Narayan Kumar Kayal & Ors.

-And-

**C.A.N. No.1 of 2021
M.A.T. No.235 of 2021
Arising out of
W.P.A. No.11419 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-**

Manas Debanath & Ors.

-And-

**C.A.N. No.1 of 2021
M.A.T. No.236 of 2021
Arising out of**

W.P.A. No. 11418 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-
Gautam Ram & Ors.
-And-
C.A.N. No.1 of 2021
M.A.T. No.237 of 2021
Arising out of
W.P.A. No.11445 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-
Shamser Alam & Ors.
-And-
C.A.N. No.1 of 2021
M.A.T. No.238 of 2021
Arising out of
W.P.A. No.11454 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-
Raju Chowdhury & Ors.
-And-
C.A.N. No.1 of 2021
M.A.T. No.239 of 2021
Arising out of
W.P.A. No.11448 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-
Ananta Kumar Mondal & Ors.
-And-
C.A.N. No.1 of 2021
M.A.T. No.240 of 2021
Arising out of
W.P.A. No.11458 of 2020
FIS Payment Solutions and Services Pvt. Ltd.
-Versus-
Pradip Saha & Ors.
-And-
C.A.N. No.1 of 2021
M.A.T. No.241 of 2021
Arising out of
W.P.A. No.11463 of 2020
FIS Payment Solutions and Services Pvt. Ltd.

-Versus-

Partha Sarathi Ghosh & Ors.

And

C.A.N, No.1 of 2021

M.A.T. No.242 of 2021

Arising out of

W.P.A. No.11465 of 2020

FIS Payment Solutions and Services Pvt. Ltd.

-Versus-

Rabin Mandal & Ors.

-And-

C.A.N. No.1 of 2021

M.A.T. No.243 of 2021

Arising out of

W.P.A. No.11468 of 2020

FIS Payment Solutions and Services Pvt.Ltd.

-Versus-

Prosenjit Mondal & Ora.

-And-

C.A.N. No.1 of 2021

M.A.T. No.244 of 2021

Arising out of

W.P.A. 11472 of 2020

FIS Payment Solutions and Services Pvt.Ltd.

-Versus-

Santu Goswami & Ors.

Mr. Partha Sarathi Sengupta, Sr.Advocate

Mr. Soumo Majumder

Mr. Soumabho Ghose

Mr. Jeevan Balla Panda

Mr. Rishav Dutta

Mr. Sourav Ray

.....for the appellant

Mr. Bikash Ranjan Bhattacharjee, Sr. Advocate

Ms. Sanjuti Sengupta

Mr. Suman Sankar Chatterjee

....for the respondent no. 1

Mr. Ajit Kumar Choubey

Mrs. Jayita Ray

Mr. Prabir Kumar Choudhuri

Ms. Arpita Basu

.....for the respondent no. 3

Mr. Abhishek Banerjee

.....for the respondent no. 5

Mr. Samim Ahammed

Miss Sabir Bhattacharjee

....for the respondent no. 6

Mr. T. K. Chatterjee

Ms. Mary Datta

.....for the Union of India

As the issues involved are very short, we heard the appeal and are disposing of the same after dispensing with all formalities.

A serious point has been raised by Mr. Partha Sarathi Sengupta, learned senior advocate for the appellant that the order dated 6th March, 2020 was not formally received by his client. The learned judge has ruled that in the reply of the appellant to correspondence, there is reference to the said order. He submits that the order was never received by the appellant but the content thereof was learnt by his client from a third party.

We think this question along with all other questions has to be gone into by the learned single judge in the writ application.

In that view of the matter, we set aside the impugned order dated 25th January, 2021 except the

part relating to costs by remanding the writ application to be adjudged afresh by the learned single judge. We retain the order for cost inasmuch as on a prima facie assessment of the averment in the petition, the learned judge had imposed this cost while dismissing the writ application.

Although we are of the view that the learned judge ought not to have dismissed the writ application but nonetheless we are of the opinion that the learned judge had rightly imposed the order of cost based on the prima facie conclusion.

The learned single judge may be requested for enlistment of the writ application.

We are told that no steps for recovery has been taken by the respondent authorities till date.

Status quo regarding recovery will be maintained for two weeks or until further order whichever is earlier to enable the appellant to approach the learned single judge.

All the appeals and the connected applications are disposed of.

(I. P. Mukerji,J.)

(Md. Nizamuddin,J)