

04.08.2021
Item no.222

Aloke
Ct. no.8

Through Video Conference

W.P.A. 5688 of 2021

**Radharani Chowdhury
Versus
The State of West Bengal & Ors.**

Mr. Nirmalya Biswas, Advocate
Mr. Anirban Datta, Advocate
... for the petitioner

Affidavit-of-service filed in Court be taken on record.

The petitioner complains that an appeal filed before the Excise Commissioner under Section 8 of the West Bengal Excise Act is yet to be considered and decided.

None appears for the State despite service.

Being aggrieved by an order dated January 3, 2020, the petitioner filed an appeal under Section 8 of the Bengal Excise Act before the Excise Commissioner who is the appellate authority. The appellate authority is accompanied by an application under Section 5 of the Limitation Act, 1963.

In such circumstances, it would be appropriate to request the appellate authority to consider and decide the application for condonation of delay and the appeal, in accordance with law. No doubt the appellate authority will offer the petitioner an opportunity of hearing. Appellate authority will also offer reasonable opportunity of hearing to any other party interested in the proceeding. The appellate authority will pass a reasoned order which will

communicate to the parties forthwith thereafter. It is expected that the entire exercise is concluded within a period of eight weeks from the date of communication of this order to the appellate authority.

W.P.A. 5688 of 2021 is disposed of accordingly.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all legal formalities.

(Debangsu Basak, J.)