

10.11.2021
jb/sb.

M.A.T. 2004 of 2019

[CAN 1 of 2020 (Old No. CAN 332 of 2020)]

**Dhakalia Agro Products Private Limited & Ors.
Vs.
Union of India & Ors.**

**Mr. Arindam Banerjee
Ms. Sulagna Mukherjee
Mr. Ashis Kr. Mukherjee
Mr. Saurabh Prasad
.... For the Appellants**

**Mr. Amitabha Mitra
Ms. Susmita Saha Dutta
.... For the Respondent Nos. 1-4**

**Ms. Amrita Panja Moulick
.... For the State**

Heard the learned counsel for the parties.

This appeal is directed against the order of the learned single Judge dated 12th December, 2019 dismissing W.P. 22929(W) of 2016.

Having heard the learned counsel for the parties and on perusal of the records we have noticed that the writ petition has been dismissed in the absence of the

counsel for the petitioners. It has been pointed out by the learned counsel for the appellants that certain relevant issues in respect of the legitimate expectation of the appellants to derive the benefit under the scheme of the Central Government as also the entitlement of the appellants after the change of the policy is involved which needs consideration in the matter, but as the petition was dismissed in the absence of the counsel for the petitioners, therefore, the same could not be pointed out.

It has also been brought to the notice of this Court that the learned single Judge by the earlier order dated 3rd October, 2016 after examining the matter had recorded the view that the issue requires adjudication, but by the subsequent impugned order without adjudicating the issue, the petition has been dismissed simply on the ground that the writ petition is filed against the policy decision, which cannot be assailed. The impugned order reflects that the issue involved in the matter has not been examined. Therefore, we are of the considered view that the matter needs to be remitted back to the learned single Judge for fresh adjudication after giving the parties an opportunity of hearing.

Hence, the appeal is allowed. The impugned order dated 12th December, 2019 is set aside and the

matter is remitted back to the learned single Judge for fresh decision in accordance with law.

MAT 2004 of 2019 along with CAN 1 of 2020 (Old No. CAN 332 of 2020) thus stand disposed of.

[Prakash Shrivastava, (C. J.)]

(Rajarshi Bharadwaj, J.)