

25.03.2021
Sl. No.25
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 9723 of 2020

Shibnath Naskar
Vs.
The State of West Bengal & Anr.

Mr. Ashim Kumar Routh
....for the petitioner.

Mr. Joytosh Majumdar, GP,
Mr. Biswabrata Basu Mallick
....for the State.

The petitioner has filed an appeal under Section 8 of the Bengal Excise Act, 1909 read with Rule 3 of the Consolidated Rules made under Section 85 of the said Act on 27th August, 2019. The petitioner says that despite passage of about one and a half years, the appeal has not been heard for even a day.

On behalf of the State, it is submitted that due to pandemic the whole of the year 2020 went away without effective hearing being conducted by the Excise Commissioner, being the respondent no.2.

Considering that the appeal had been filed more than one and a half years ago and that the same is pending without being heard for a single day, I think justice will be subserved if I direct the Appellate Authority, being the respondent no.2, to hear and dispose of the petitioner's appeal filed on 27th August, 2019 within a period of eight weeks from date.

The appellate authority shall pass a reasoned order on the basis of the relevant provisions of law and after affording the parties a reasonable opportunity of hearing. The order shall be communicated within seven days from the date of passing of the same.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)