

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

A.P.O.T. No. 72 of 2021
IA No: GA/1/2021
Tarini Minerals (P) Ltd. & Anr.
Versus
Union of India & Ors.

BEFORE:

The Hon'ble JUSTICE SUBRATA TALUKDAR

-And-

The Hon'ble JUSTICE SAUGATA BHATTACHARYYA

Date : 21st June, 2021.

Mr. Soumya Majumder with Mr. Saptarshi Roy,
Mr. Arkadipta Sengupta & Ms. Kakali Das Chaudhury, Advs.
... for the Appellants/writ petitioners

Mr. Rabindranath Bag with Mr. Debasish Chattopadhyay, Advs.
... for the Respondents

Under challenge in this appeal and the connected application is the order of the Hon'ble Single Bench dated 24th March, 2021. The Hon'ble Single Bench recorded that both the parties were heard on merits of the writ petition as well as the restoration application filed by the present writ petitioners/appellants. The Hon'ble Single Bench thereafter directed the parties to file their Written Notes of Submissions pertaining to the merits of the writ petition.

The matter was so directed to be listed on the next date.

Mr. Majumdar, learned Counsel, appears for the appellants/writ petitioners and submits that the prayer for an interim order moved by the

appellants/writ petitioners, was not considered by the Hon'ble Single Bench and, therefore, the appellants/writ petitioners are prejudiced by the order impugned dated 24th March, 2021. The failure on the part of the Hon'ble Single Bench to consider the prayer for interim order, affects the rights of the appellants in the proceedings.

On the other hand, Mr. Bag, learned Counsel appearing for the respondents, submits that the rights of the parties are yet to be finally adjudicated by the Hon'ble Single Bench and therefore, the order impugned dated 24th March, 2021 is not a judgement within the meaning of Clause 15 of the Letters Patent.

Heard the parties.

Considered the materials placed.

This Court observes that the Hon'ble Single Bench desired to hear out the writ petition on merits and accordingly, directed filing of Written Notes of Submissions. The Hon'ble Single Bench, therefore, ought not to be denied the opportunity to apply its mind to the merits of the writ petition, as desired.

This Court is further informed that affidavits to the writ petition have been completed and exchanged between the parties.

Accordingly, the matter stands remanded to the Hon'ble Single Bench for consideration on merits. The parties are granted the liberty to mention

the matter before the Hon'ble Single Bench intimating the preparation of their respective Notes of Submissions upon notice to each other. The Hon'ble Single Bench is requested to thereafter consider the writ petition on merits, subject to its convenience.

Since affidavits are not invited, allegations are deemed to be denied.

APOT/72/2021 and **IA NO: GA/1/2021** stand accordingly **disposed of.**

All parties are to act on a server copy of this order.

(SAUGATA BHATTACHARYYA, J.)

(SUBRATA TALUKDAR, J.)