

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APO/91/2021

With

WPO/533/2017

IA No:GA/1/2021

VIJAI SHREE PRIVATE LIMITED

VERSUS

THE BOARD OF TRUSTEES OF THE PORT OF KOLKATA & ORS.

.....

BEFORE:

The Hon'ble JUSTICE ARINDAM SINHA

The Hon'ble JUSTICE SAUGATA BHATTACHARYYA

Date:6th August, 2021.

[Via video conference]

Appearance:

Mr. Dhrubo Ghosh, Sr. Adv.

Mr. Sabyasachi Choudhury, Adv.

Mrs. Vineeta Meharlia, Adv.

Mr. Pushan Kar. Adv.

Mr. Sagnik Majumdar, Adv.

Mr. Teesham Das, Adv.

Ms. Dipshita Chomal, Adv.

..for Appellant.

Mr. Jishnu Saha, Sr. Adv.

Mr. Abhishek Banerjee, Adv.

Mr. Pranit Bag, Adv.

Mr. Snehashis Sen, Adv.

..for Respondents.

The Court:-Mr. Ghosh, learned senior advocate appears on behalf of appellant, who was writ petitioner. Impugned in the appeal is order dated 23rd March, 2021, by which earlier order dated 6th March, 2019, disposing of the writ petition, was recalled at instance of respondents. The learned Judge observed that respondents had made a prima facie case for recall. We notice said learned Judge also recorded that at the time of passing of order for recall,

the Bench did not have determination to hear the main writ petition. Mr. Saha, learned senior advocate appears on behalf of respondents and submits, the writ petition is already before the Court having determination to hear it. Mr. Ghosh prays for order in terms of prayer[c].

The stay application contains all the papers. The appeal can be disposed of at this stage as the parties are before us. Considering aforesaid, respondents are restrained from proceeding with auction process till 16th August, 2021, within which time appellant must approach the writ Court for interim protection it seeks, whether it is able to obtain it. This direction is being made with sole purpose of enabling appellant to approach the writ Court. No further consideration can be seen to be the reason for the direction.

With the above, the application and appeal are disposed of.

(ARINDAM SINHA, J.)

(SAUGATA BHATTACHARYYA, J.)