

07-04-2022
ct no. 13
Sl. 16
pk

**WPA 570 of 2022
(Through Video Conference)**

Md. Shadab Hussain and another
-Versus-

The State of West Bengal & Ors.

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha,
Mr. Komal Singh
... for the writ petitioners.

The writ petitioner is aggrieved by an order dated 22.12.2021, passed by the Principal Secretary, Finance Department, Government of West Bengal. The said order was passed on an appeal preferred by the District Magistrate and Collector of Excise, North 24 Parganas against the order of the Excise Commissioner.

The appeal was disposed of, pursuant to directions of this Court passed on 24.11.2021 in WPA 13270 of 2021 (Md. Shadab Hussain and another Vs. The State of West Bengal and others).

Counsel for the petitioner would argue that his client ought to have been given notice of the appeal, and ought to have been heard before the order was passed.

This Court notes that when WPA 13270 of 2021 was moved on 24.11.2021, there was no

prayer for writ petitioner being heard by the Appellate Authority. It also appears that the petitioner did not formally communicate to the Appellate Authority that he wishes to be heard in the appeal. The appeal appears to have been disposed of based on the records.

This Court, therefore, does not see any prejudice caused to the writ petitioner in the facts and circumstance of the case. No such prejudice has also been demonstrated in the writ petition.

In that view of the matter, the writ petition is disposed of without any orders.

The writ petitioner may apply for refund of any deposit made, if otherwise entitle to in law.

(Rajasekhar Mantha, J.)