

January 27, 2022
Sl. No.20
Court No.1
SG/s.biswas

MAT 56 of 2022
With
CAN 1 of 2022

Rajib Roy
vs.
The State of West Bengal and others
(Through Video Conference)

Mr. Satrajit Sinha Roy, Advocate
... for the appellant
Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick, Advocates
... for the State

This appeal is directed against the order of learned single Judge date 13.01.2022 whereby WPA 19550 of 2021 filed by the appellant has been dismissed.

Learned counsel for the appellant submits that there were as many as five grounds raised in the petition challenging the NIT, but on account of technical glitch, learned counsel for the appellant could not make his submission before the learned single Judge in respect of all the grounds, therefore, only one ground has been considered by learned single Judge.

If that is so, the proper remedy available to the appellant is to file an application for review/recall of the order before the learned single Judge.

In these circumstances, learned counsel for the appellant seeks permission to withdraw this appeal with liberty to file an appropriate application for review/recall of the order before the learned single Judge.

The prayer is allowed. The appeal is dismissed as withdrawn with the liberty as prayed.

With the above observations, CAN 1 of 2022 is dismissed as infructuous.

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

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]