

20.06.2022
Item No.16
Ct. No.12
CHC

M.A.T.65 of 2022
I.A. NO: CAN/1/2022

Bangoan Central Co-operative Marketing Society
Ltd. & anr.

Vs.

State of West Bengal & ors.

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
Mr. Neil Basu

...for the appellants

Mr. Susovan Sengupta,
Mr. Subir Pal

...for the State-respondents

Heard Mr. Debabrata Saha Roy learned counsel for the appellants and Mr. Sengupta, learned counsel for the State.

The license of Notified Ration Distributorship was cancelled by the competent authority illegally. The order was challenged before the first appellate authority, and the matter was disposed of against the writ petitioners/appellants. The matter was taken up before the second appellate authority by the writ petitioners and second appellate authority is stated to be the Secretary to the Government of West Bengal, Food and Supplies Department. Before the second appellate authority also the writ petitioners lost and

the matter was brought before this Court in the impugned writ petition.

Having heard the learned counsel for the parties and having perused the order passed by the first appellate authority, second appellate authority and this Court in writ petition, we deem it just and proper to remand the matter back to the second appellate authority to take up the Second Appeal *de novo* without being influenced by the order passed by it earlier or by this Court in the writ petition.

It is needless to mention here that opportunity of hearing shall be given to all the parties concerned while disposing of the Second Appeal with a reasoned order within a period of two (02) months from the date of receipt of certified copy of this order. Previous order of second appellate authority and the writ court stand set aside.

We make it clear that we have not expressed anything about the merits of the case or claim of the appellants.

The appeal and connected application stand disposed of.

(Chitta Ranjan Dash, J.)

(Aniruddha Roy, J.)