

26-04-2022
Item No.23
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.6994 of 2022
Nightbird Tradecom Private Limited & Anr.
-vs-
State of West Bengal & Ors.

Mr. Suvranil Saha ...for the petitioners

Mr. A. Ray
Mr. S. Mukherjee
Mr. D. Ghosh
Mr. N. Chatterjee ...for the State

Heard learned advocates appearing for the respective parties.

Petitioners in this writ petition have challenged the impugned order of the appellate authority dated October 21, 2021 rejecting their appeal in question on the ground of “Non receipt of certified copies” which is contrary to record as appears from page 25 of the writ petition from which it appears that certified copies of the order appealed against were submitted and the respondent-authorities have duly acknowledged the receipt of the same on May 4, 2021.

By this fact which appears from record that the impugned order seems to be in total non-application of mind by the appellate authority concerned. Furthermore, when the impugned order dated October 21, 2021 rejecting the petitioners’ appeal is only on the ground of non-receipt of certified copies and not on merits, it is set aside and the matter is remanded back to the appellate authority concerned to consider afresh and dispose of it in accordance with law by passing a reasoned and speaking order, after giving an opportunity of hearing to the petitioners or their

authorised representative, within twelve weeks from the date of communication of this order.

If the petitioners have already made pre-deposit before filing the appeal in question, they shall not be asked to make any further pre-deposit.

With the above observations and directions, WPA No.6994 of 2022 is disposed of.

[Md. Nizamuddin, J]