

28.07.2022
sayandeep
Sl. No. 01
Ct. No. 05

WPA 17559 of 2021

Shiba Prosad Banerjee
-Versus-
The State of West Bengal & Ors.

Mr. Saptangsu Basu
Mr. Swarup Paul
Mr. Surya Maity
Ms. Amrita Maji

..... for the petitioner

Mr. Nilotpall Chatterjee

.... for the State

Mr. Anubhav Sinha
Mr. Sanchita Barman Roy

..... for the respondent no. 4

Mr. Amitava Mitra

....for the respondent no. 5

Learned counsel appearing for the petitioner seeks to withdraw the writ petition. The ground given to the Court is that the writ petition was mistakenly filed on behalf of the individual and not by the partnership firm which participated in the tender.

All the respondents are present.

Upon revisiting the papers, it appears that the writ petition was first taken up by a learned Single Judge on 21.04.2022 and at least six times thereafter from April, 2022 to June, 2022. By the last order of this Court dated 20.06.2022, the Directorate of MSME was directed to examine the validity period of the certificate claimed to be uploaded by the petitioner on 4th March, 2021 within a certain timeframe.

Surprisingly, the writ petition as filed, does not implead the partnership firm. There are no averments in the writ petition with regard to the partnership firm participating in the tender.

It is also surprising that the mistake was detected after almost two months from the time the matter was taken up for consideration.

Since the writ petition was kept for further consideration by the last order passed by this Court and the petitioner does not seek to proceed further in the writ petition in its present form, WPA 17559 of 2021 is dismissed as withdrawn. All interim orders are vacated and all connected applications are disposed of.

The writ petitioner shall pay costs of Rs. 15,000/- to Bharat Sevashram Sangha, Kolkata within a period of three weeks from date.

The petitioner shall be at liberty to file afresh.

(Moushumi Bhattacharya, J.)