

11.8.2022

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WPA 17726 of 2022

Sujoy Burdhan
Vs

Assistant Commissioner, State Tax, Bureau of
Investigation(South Bengal, Barrackpore Zone & Ors.

Mr. Sumit Ghosh,
Mr. Souradeep Majumder,
... For the Petitioner.

Mr. A. Ray, Ld. GP.,
Mr. S. Mukherjee,
Mr. D. Ghosh,
Mr. D. Sahu

... For the State.

Heard learned Advocates appearing for the parties.

This writ petitioner has been filed by the petitioner against the impugned order of rejection of petitioner's appeal before the Appellate Authority on the ground of non-filing of the original certified copy of the order against which appeal was filed. The appeal in question was filed before the Appellate Authority on 29th December, 2021 and the same was dismissed almost after five months i.e. on 24th May, 2022 and even till date petitioner is retaining with him the original certified copy of the order against which the appeal was filed and the very absurd submission has been made by the learned Advocate appearing for the petitioner that the Appellate Authority should have accepted the appeal in question without the original certified copy of the order. I am not going to accept such type of submission made by the learned Advocate

appearing for the petitioner. However, in the interest of justice and because of fault and conduct of incompetent lawyer, a litigant should not be made to suffer and considering this, liberty is granted to the petitioner to file fresh appeal along with the original certified copy of the order off-line within seven days from date before the Appellate Authority concerned and which may be entertained by the Appellate Authority concerned subject to compliance of all other formalities of appeal and subject to condition of payment of Rs.20,000/- as costs to the Calcutta High Court Bar Association Lawyers' Benevolent Fund within seven days from date as an exceptional case.

With this observation and direction, this writ petition being WPA 17726 of 2022 is disposed of.

(Md. Nizamuddin, J.)