

27.09.2022.
p.b.
Sl. No.13.

W.P.A. 20540 of 2022

Shree Ganesh Traders
Vs.
The State of West Bengal & Ors.

Mr. Iftekar Munshi.
.....for the petitioner.
Mr. S. Mukherjee,
Mr. D. Ghosh,
Mr. D. Sahu.
.....for the State.

Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned order dated 1st April, 2022 dismissing the appeal of the petitioner on the ground of non compliance of formality of making pre-deposit of 10% of the disputed demand as well as on the ground of non-filing of the certified copy of the order against which the appeal has been filed.

Learned advocate appearing for the petitioner submits that petitioner is ready and willing to make the payment of pre-deposit of the disputed demand and shall file the certified copy of the order as and when it is available.

Considering the facts and circumstances of this case, the aforesaid impugned order dated 1st April, 2022 is set aside and the matter is remanded back to the appellate

authority subject to payment of 10% of the disputed demand and if such deposit is made by the petitioner within the time stipulated herein, the appellate authority concerned shall consider and dispose of the appeal on merit in accordance with law after giving an opportunity of hearing to the petitioner or its authorized representatives. The department concerned shall issue certified copy of the adjudication order expeditiously.

Considering the submission of the parties, this writ petition being WPA No.20540 of 2022 is disposed of by granting liberty to the petitioner to make statutory pre-deposit of 10% of the disputed demand arising out of the adjudication order within three weeks from date.

(Md. Nizamuddin, J.)