

21.10.2022
Sl. No.07
Ct. 29
Sayandeep

MAT 1726 of 2022
With
IA NO: CAN/1/2022, CAN 2 of 2022
West Bengal Kerosene Agents' Welfare Association & Anr.
Vs.
Union of India & Ors.

Mr. Shyamal Sarkar,
Mr. Saptarsi BanRamesh Dharaerjee,
Ms. Moushumi Chakraborty
...for the appellants.

Mr. Susovan Sengupta
...for the State.

Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Sutirtha Nayak
.....for the respondent
Mr. Avinash Kankani
.....for the respondent Nos. 1 to 4

Mr. Saptangshu Basu
Mr. Ram Anand Agarwal
Ms. Nibedita Pal
Mr. Ananda Gopal Mukherjee
Ms. Sonam Roy
.....for the respondent no. 8

The only grievance of the appellants is that CAN 2 of 2022 filed in WPA 25064 of 2016 was rejected without assigning any reasons. This Court finds that the contention of the appellants is correct. Although the merits of the said application is not gone into by us, we are of the opinion that the reasons why the application for recalling of the order dated 21st July, 2022 could not be entertained, should have been disclosed. This Bench

is of the view that while disposing of the application, the learned Judge ought to have decided the merits of the said application upon noting and considering the rival contention of the parties.

The appeal and connected applications are disposed of by setting aside the order dated 29th September, 2022 in so far as the same relates to rejection of CAN 2 of 2022, filed in connection with WPA 25064 of 2016. CAN 2 of 2022 is remanded for a rehearing on merits. All points raised in this appeal, shall be available at the hearing of CAN 2 of 2022 before the learned Single Judge.

(Partha Sarathi Chatterjee, J.) (Shampa Sarkar, J.)