

1880.
(ML)

17.01.2025
Ct. No. 18
(ARPAN)

W.P.A. 24540 of 2022
CAN 1 of 2024
CAN 2 of 2024

Rumpa Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Kustav Banerjee
Ms. Ria Kundu

...for Applicant

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja

...for W.B.B.S.E

In Re: CAN 1 of 2024 & CAN 2 of 2024

Two applications are on board for consideration, one being CAN 1 of 2024 seeking recall of the order dated 17th November, 2022 and another being CAN 2 of 2024 for condonation of delay in presenting the recalling application.

Both the applications are taken up for consideration pursuant to the order dated 29th November, 2024 whereby the learned advocate representing the applicant was directed to apprise this court whether before filing recalling application being CAN 1 of 2024 any letter was sent by the applicant to the erstwhile advocate-on-record to grant him opportunity to explain why writ petition was dismissed as withdrawn *vide* order dated 17th November, 2022 passed by a coordinate bench on submission being made by the said advocate that the petitioner did not wish to press the writ petition. Such order was passed on 29th November, 2024 since allegation has been made against the erstwhile

advocate-on-record in Paragraph 5 of the application being CAN 1 of 2024 that no such instruction was given by the petitioner/ applicant to the erstwhile advocate-on-record not to press the writ petition.

Pursuant to the order dated 29th November, 2024, today the learned advocate who is representing the applicant submits that no such letter was issued to the erstwhile advocate-on-record thereby granting him opportunity to explain why submission was made before the coordinate bench on 17th November, 2022 which led the court to pass an order dismissing the writ petition treating the same as withdrawn.

Very basis of making prayer to recall the order dated 17th November, 2022 is departure on the part of the erstwhile advocate-on-record to make appropriate submission before the court on 17th November, 2022 based on instruction he received which prompted this court to find out whether the said advocate was granted opportunity to explain whether at all instruction was given to him to make such submission before the coordinate bench on 17th November, 2022 or not.

In absence of any letter being sent to the previous advocate-on-record, it is improper on the part of the applicant to make such wild allegation against the erstwhile advocate-on-record that he did not make submission on 17th November, 2022 as per the

instruction which he received from his client. Therefore, it appears that filing of aforesaid two applications is afterthought.

Hence, with the above observations, both the applications being CAN 1 of 2024 and CAN 2 of 2024 stand dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)