

24.11.2022

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WPA 24731 of 2022

Dulal Sani
Vs
The State of West Bengal & Ors.

Mr. Chandrachur Biswas,
Ms. Sulogn Chowdhury
... For the Petitioner.
Mr. A. Ray, Ld. GP.,
Mr. T.M. Siddiqui,
Mr. S. Mukherjee,
Mr. D. Ghosh

... For the State.

Heard learned Advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned ex parte order dated 26th April, 2022 passed by the Appellate Authority under the WBGST Act. On perusal of the aforesaid impugned order of the Appellate Authority I find that the authority has not gone into the merits of the case, it has simply affirmed the order the Adjudicating Authority. Petitioner submits that due to illness he could not be present on the date of hearing before the Appellate Authority and in support of his such contention he has annexed medical report to this writ petition.

Considering the facts and circumstances of the case and in the interest of justice, the aforesaid impugned ex parte order dated 26th April, 2022 is set aside and the matter is remanded back to the Appellate Authority concerned to consider and dispose

of the aforesaid application on merits and in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner or his authorised representative within eight weeks from the date of communication of this order.

With this observation and direction, this writ petition being WPA 24731 of 2022 is disposed of.

(Md. Nizamuddin, J.)