

24.3.2023

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WPA 3488 of 2023
With
CAN/1/2023
Krishna Cold Storage
Vs
The State of West Bengal & Ors.

Mr. Avra Mazumder,
Mr. Arun Kr. Upadhyay,
Mr. Suman Bhopwmik,
... For the Petitioner.
Mr. T.M. Siddiqui,
Mr. S. Mukherjee,
Mr. D. Ghosh,
Mr. N. Chatterjee
... For the State.

Heard learned Advocates appearing for the parties.

This application being CAN/1/2023 has been filed in connection with the writ petition, which has already been disposed of by an order of this court dated 28th February, 2023, by challenging the subsequent impugned order of penalty which was not the subject matter of the writ petition and in view of the fact that this application is neither a review application nor a contempt application and this court has become functious officio after passing the order disposing of the original writ petition, if petitioner is at all aggrieved by the subsequent order of penalty which has been passed by the respondent WBGST Authority concerned after the disposal of the writ petition, it gives rise to a fresh cause of action and the petitioner may avail the appropriate remedy against the same in accordance with law.

In view of the discussion made above, this application being CAN/1/2023 is not entertained and the same is dismissed.

(Md. Nizamuddin, J.)