

03.01.2023
Court No.12
M/L. No. 14
Suvayan/
Sourav

MAT 629 of 2019
Indian Oil Corporation Limited & Ors.
Vs.
Ram Krishna Mondal & Ors.

Mr. Amit Kr. Nag
Mr. Partha Banerjee
Mr. Ranjabati Ray

...for the appellants.

Heard Mr. Amit Kr. Nag, learned Counsel for the appellants. Learned Counsel for the respondents are absent on call in spite of service on him.

The original writ petition being WP 28743 (W) of 2017 was disposed of. Subsequent to such disposal a petition vide CAN 10250 of 2018 was filed before the writ court for modification of the order. The aforesaid interim application came to be disposed of on 25.01.2019.

From the impugned order, we find that the instructions was received by the Advocate appearing for the Indian Oil Corporation after disposal of the writ petition and for that Hon'ble Single Judge came to pass the following observation:

“The Indian Oil Corporation is therefore guilty of laches in compelling this court to pass orders that have become infructuous. The IOC is thus liable to pay costs.”

It is submitted by learned Counsel for the appellants that the cost has already been deposited as directed by Hon'ble Single Judge.

Regard being had to the fact and submission the aforesaid observation is expunged to the extent excluding the sentence “The IOC is thus liable to pay costs”.

We hope and expect the Indian Oil Corporation shall be more diligent, vigilant and co-operative in future.

Accordingly, the appeal being MAT 629 of 2019 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)