

22.06.2023.
PB
Sl. No.15.

WPA 12239 of 2023

B. K. Brothers Company Ltd. & Anr.
Vs
Assistant Commissioner, State Tax,
Barrackpore Charge & Ors.

Mr. Arijit Chakraborti,
Mr. Lalit Baid,
Mr. Prabir Bera,
Ms. Aparupa Ghosal.
... For the Petitioners.

Mr. A. Ray,
Mr. T. M. Siddiqui,
Mr. S. Sanyal.

.....for the State.

Mr. Soni Ojha,
Ms. Sonia Nandy.

.....for the respondent no.4.

Heard learned advocates appearing for the parties.

Pursuant to the earlier order of this Court dated 20th June, 2023, Mr. Siddiqui, learned Additional Government Pleader produces instruction with supporting documents to meet the allegation of the petitioner that the impugned garnishee notice and action of recovery is based on the adjudication order which was even served upon the petitioner while the case of the petitioner is that the impugned coercive action of recovery of the demand in question is not based on any adjudication order which has been

proved to be wrong in view of all the aforesaid documents which has been filed, copy of the same has been handed over to Mr. Chakraborty, learned advocate representing the petitioner.

In view of the facts and circumstances of the case, I am not inclined to grant any relief to the petitioner except granting liberty to file statutory appeal if it is so aggrieved, in accordance with law.

In view of the disputed fact that whether the order in original was available in the official portal of the department or not and since Mr. Siddiqui is submitting that it was available and Mr. Chakraborti, learned advocate for the petitioner submits that the order in original in question is not available in the portal, in the interest of justice, time to file statutory appeal is extended by two weeks from date.

With this observation and direction, this writ petition being WPA 12239 of 2023 is disposed of.

(Md. Nizamuddin, J.)