

15.12.2023
Sl no. 5
Ct no. 2
P.M.

WPA 15959 OF 2023

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CAN 1 of 2023

Sandhya Dutta.

- Vs -

**Assistant Commissioner of Revenue,
Barasat Charge & Ors.**

Mr. Samiddha Sankar Sengupta
... For the Petitioner.

Mr. Anirban Ray, Ld. Govt. Pleader
Md. T. M. Siddiqui,
Mr. T. Chakraborty,
Mr. S. Sanyal

... for the State

Mr. Vipul Kundalia

... for Union of India

This application has been filed by the respondent State authority for modification/recalling of the order of this Court dated 17th July, 2023 by which the State respondent authority concerned were directed to consider the representations in question of the petitioner, on the ground that the day when the order of this court was passed, all the representations in question had already been considered and disposed of earlier and this fact was suppressed from the Court by the learned advocate appearing for the petitioner.

Mr. Sengupta, learned advocate submits that there is no deliberate suppression and the mistake

has been committed due to inadvertence and communication gap.

Such submission of learned advocate for the petitioner is not believable since had it been committed due to inadvertence petitioner could have immediately after passing the order mentioned this matter and drawn attention of the Court. However, learned advocate being junior member of the Bar and considering the request to show leniency by Mr. Siddiqui, learned Additional Government Pleader this Court is not passing any adverse order against such conduct of suppression of fact from this Court, committed by the learned advocate for the petitioner, at the time of passing the aforesaid order.

Considering the facts and circumstances of this case and in view of the discussion made above, this application being CAN 1 of 2023 is disposed of by recalling the order dated 17th July, 2023 with liberty to the petitioner to avail any remedy available under the law against the order so passed on petitioner's representation.

(Md. Nizamuddin, J.)