

28th November,
2023
(AK)
02

W.P.A. 25214 of 2023

Krishna Traders New
Vs.
State of West Bengal and others

Mr. Pijush Kanti Khanra
Mr. Souradeep Dutta
Mr. Mrinal Kanti Biswas
...for the petitioner.

Mr. Biswabrata Basu Mallik
Mr. Ratul Biswas
...for the State.

Mr. Nimai Chandra Konar
Mr. Mihir Kumar Das
...for the respondent no.2.

Mr. Debrup Bhattacharjee
Mr. Pradeep Kr. Tulsyan
...for the respondent no.3.

1. Learned counsel for the private respondent, at the outset, points out that a contradictory stand has been taken by the petitioner in a different application under Article 227 of the Constitution of India being registered as C.O.2811 of 2023 where the petitioner has challenged a proceeding itself, whereas in the present application under Article 226 of the Constitution, the petitioner seeks leave to participate in the self-same proceeding through a learned Advocate.
2. Learned counsel for the petitioner, upon the query of court as to the contradiction in the two challenges,

submits that the petitioner wants to participate in the proceeding-in-question and would not proceed with the other challenge bearing C.O. 2811 of 2023.

3. Recording such concession, keeping in view the provisions of Rule 6 of the Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018 which permits representation through advocates, WPA 25214 of 2023 is allowed, thereby directing the respondent authorities to permit the petitioner to participate in the proceeding-in-question before the respondent authorities personally or through its learned Advocate.

4. The respondents shall be entitled to cite this order for the purpose of ensuring that the application under Article 227 of the Constitution, bearing C.O. 2811 of 2023 is not proceeded with further by the petitioner.

5. The impugned order where it was recorded that the mediation proceeding is closed is hereby set aside and the parties shall be permitted to participate in the proceeding by the strength of this order.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)