

13.12.2023

Sl no. 5

Ct no. 2

P.M.

WPA 26451 OF 2023

**Kuljora Samabay Krishi Unnayan
Samity Limited & Anr**

- Vs -

The State of West Bengal & Ors.

Mr. Himangshu Kumar Ray,
Mr. S. Poddar

... for the petitioners

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

... for the State

Heard learned advocates appearing for the parties.

By this writ petition petitioners have challenged the impugned order of the appellate authority under the WBGST Act on the alleged ground that the same has been passed without giving opportunity of hearing to the petitioner but it appears from record that petitioners were in fact given opportunity of hearing and the petitioners did not avail the same. As such the allegation of the petitioners of denying the opportunity of hearing is not sustainable.

However, in the interest of justice, this writ petition being WPA 26451 of 2023 is disposed of by setting aside the aforesaid impugned order of the appellate authority dated 28th June, 2023 and the matter is remanded back to the appellate authority

concerned to pass a fresh order after giving opportunity of personal hearing to petitioners or their authorized representatives on condition that petitioners will make payment of cost of Rs. 25,000/- to the authority concerned which they have agreed to pay within ten days from date and file proof of payment of the same before the appellate authority.

(Md. Nizamuddin, J.)