

22.06.2023
SL No.47
Court No.8
(gc)

**FMAT (ARBAWARD) 70 of 2022
CAN 1 of 2023**

M/s. ISITE

Vs.

**Senior Divisional Commercial
Manager, Eastern Railway, Sealdah**

Mr. Kushal Chatterjee,
Mr. Saptarshi Mal,
Mr. Subhasish Mitra,
Mr. Shibjit Mitra,
...for the Appellant.

The respondent is not represented.

The learned Counsel for the appellant submits that in view of the order passed by the learned Single Judge in W.P.A. 13770 of 2023 on 16th June, 2023 restraining the respondents to proceed with the certificate proceeding, the prayer made in the instant appeal with regard to the stay of certificate proceeding is no more required as it has already been granted in favour of the petitioner. The said matter is still pending.

In view thereof, we dispose of the appeal by recording that Justice Sabyasachi Bhattacharyya in W.P.A. 13770 of 2023 has passed an order on 16th June, 2023 restraining the respondents from proceeding with the recovery of Rs.10,28,580/- being Proceeding No.14/Misc. of 2018 pending before the Certificate Officer, South 24-Parganas, till September

15, 2023 and in view of the fact that there could be a conflict of decision, we do not wish to proceed further in this matter and the learned Counsel for the appellant has also fairly submitted that in view of the said proceeding, there may not be any requirement to proceed with the appeal as it is arising out of the same proceeding.

Accordingly, the appeal and the application stand disposed of.

A copy of the order dated 16th June, 2023 is kept with the record.

This order shall be communicated to the respondent.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)