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22.03.2023
Ct. No. 16

MAT 285 of 2022
with
CPAN 1419 of 2022
(IA No. CAN 1 of 2023)

RGS Roadways, a proprietorship business
vs.
Union of India & ors.

Mr. B. P. Chakraborty
Mr. Rituraj Chakraborty

... for the appellant

Mr. T. M. Siddiqui
Mr. D. Ghosh
Mr. N. Chatterjee

... for the State

In Re : CAN 1 of 2023

1. We have heard the learned advocates for the parties.
2. This application has been filed to extend the time period mentioned in the order dated 20th January, 2023 passed in CPAN 1419 of 2022 by two months. By the said order, liberty was granted to the appellant to file an appeal against the order of the Adjudicating Authority dated 13th October, 2022. We directed the appeal to be filed within a time frame and the respondent was directed not to encash the bank guarantee till 10th February, 2023.
3. Considering the submissions made by the learned advocate for the appellant and after hearing the learned government counsel for the State, the time to file the appeal is extended till 15th April, 2023. Since the appellant has to effect pre-deposit at the time of filing the appeal, the respondents are directed to release that portion of the bank guarantee so as to enable the appellant to utilize the money

for the purpose of effecting the pre-deposit. The remaining amount shall be retained by the respondent and for which the appellant shall furnish a fresh bank guarantee and the bank guarantee shall keep alive after filing the appeal before the appellate authority.

4. Leave is granted to the appellant to pray for appropriate direction before the appellate authority for the purpose of lifting the garnishee proceedings.

3. Hence, the application stands disposed of.

(T. S. Sivagnanam, J.)

(Hiranmay Bhattacharyya, J.)