

Item No.24
23.11.2023
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

W.P.A. 283 of 2020

Sashi Timber and Plywood Industries Pvt. Ltd.
VS
The State of West Bengal & Ors.

*Mr. Amales Roy,
Mr. Suman Sehanabis*

...for the Petitioner.

*Mr. Hirak Barnam,
Ms. Bedashruti Bose*

...for the State.

Admittedly, the notification challenged in the present writ petition has already been stayed in another proceeding and against the said order of stay, the State authorities have preferred appeals, being MAT 960 of 2021, MAT 1257 of 2021 and MAT 686 of 2017, presently pending before the Division Bench of this Court.

The writ petitioner has been granted interim relief by an order of this Court dated February 20, 2020. The interim protection is as follows:-

“As the primary issue as to whether the inclusion of plywood and veneer in the Schedule of the aforesaid Act is already under challenge and the effect of the notification pursuant to which the fee has been directed to be paid has been practically stayed by the order of the Court accordingly, the subsequent step taken by the respondents by issuing the impugned notice dated August 22, 2019 directing the petitioner to clear the outstanding market fees, regularized license of the Market

Committee and to obtain return certificate is not permissible.

Accordingly, the respondents are restrained from giving any effect to the impugned notice dated August 22, 2019 annexed as Annexure P-14 at page 88 of the writ petition until further orders.”

On hearing the learned counsel for all the parties in the present case, the present writ petition is disposed of with the direction that the said interim protection be made absolute.

Parties will be at liberty to take steps in accordance with the decision in the appeal. However, it is made clear that on the outcome of the appeal, the respondents shall also be at liberty to take steps.

Accordingly, the writ petition is disposed of.

There will be no order as to costs.

Parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)