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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/55/2023
IA NO. GA/1/2023
BILTECH BUILDING ELEMENTS LIMITED
-VS-
STATE OF WEST BENGAL & ORS.

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 14th June, 2023

Appearance :
Mr. Punit Agarwal, Adv.
Mr. Avra Mazumder, Adv.
Mr. Suman Bhowmik, Adv.
...for the appellant.
Mr. T.M. Siddiqui, Adv.
Mr. Anirban Ray, Adv. Ld. GP.
...for respondent.

The Court : This intra-Court Appeal is directed against the order dated 28th April, 2023 by which the learned Single Bench had directed that affidavits are required to be filed and issued a specific direction to the respondent to file their affidavit-in-opposition within four weeks. Though the time stipulated is over, but till date the affidavit has not been filed by the respondent. The respondent has filed this appeal on the ground that during the pendency of the writ petition a demand has been issued by the respondent. We find from the impugned order that prayer for interim order has not been rejected by the learned Single Bench. Therefore, if during the pendency of writ there is a cause of action for the appellant to seek for an interim protection it will be well open to the appellant to file an appropriate application before learned Single Bench and seek for necessary protection.

For such reason, we are not inclined to interfere with the order passed by the learned Single Bench and the appeal stands dismissed on giving liberty to the appellant to file a stay application in the event there is any coercive action initiated by the respondent department during the pendency of the writ petition.

The application stands disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)