

OD - 21

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

ORIGINAL SIDE

APO/120/2023
IA NO.GA/1/2023
M/S. RATHI STEEL INDUSTRIES
PVT. LTD. & ANR.

-Versus-

UNION OF INDIA & ANR.

BEFORE :

THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM

And

THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA

Date : 23rd August, 2023

Appearance :

Mr. Arijit Chakraborty, Adv.
Mr. Debaditya Banerjee, Adv.
Mr. Syed Wasim Faruque, Adv.
...for the appellant.

Mr. Siddhartha Lahiri, Adv.
Mr. Partha Chakraborty, Adv.
..for the Union of India.

Mr. Bhaskar Prasad Banerjee, Adv.
Mr. Abhradip Maity, Adv.
..for the respondent.

The Court : This intra-court appeal is directed against the order dated 7th August, 2023 in WPO No.1299 of 2023. By the said order the learned Single Bench was of the view that the appellant/writ petitioner has made out a prima facie case and entertained the writ petition and also observed that the appellant has made out a prima facie case for granting of an interim order. However, the learned Single Bench has directed a sum of Rs.15 lakhs to be deposited by the appellant.

We have heard Mr. Arijit Chakraborty, learned counsel appearing for the appellant and Mr. Bhaskar Prasad Banerjee, learned counsel appearing for the respondent.

Being aggrieved by such order, the appellant has filed this intra-court appeal.

As could be seen from the impugned order, the learned Single Bench was prima facie satisfied that the appellant has made out a prima facie case for entertaining the writ petition. If that be so, the Court can very well grant an interim order more particularly when the Court is convinced that the appellant has also made out a prima facie case for granting of an interim order. Therefore, there will be an interim stay of the adjudication order which is impugned in the writ petition till the writ petition is heard out by the learned Single Bench which is directed to be listed in the Monthly List of November 2023. The respondent-department is directed to abide by the decision of the learned Single Bench and file their affidavits as directed by the learned Single Bench.

With the above observations, the appeal and the connected application are disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

