HIGH COURT OF TRIPURA
AGARTALA

IA No.01/2024 in WA No.100 of 2024
WA No.100 of 2024

The Union of India & others

.....Applicant/Appellant(s);

Versus

Dr. Ajit Kumar Ray

.....Respondent(s).

For Applicant/Appellant(s) : Mr. Bidyut Majumder, Deputy SGI.

For Respondent(s) : Mr. C.S. Sinha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

12/11/2024

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Mr. C.S. Sinha, learned counsel appearing for the writ petitioner/respondent herein.

Mr. Bidyut Majumder, learned Deputy SGI, appearing for the Union of India, submits that appellants are aggrieved only by the imposition of cost of Rs.10,000/- upon them which in fact was earlier set aside by the Appellate Court vide order dated 22.08.2023 passed in WA No.31/2023 while remitting the matter to the learned Writ Court to take a fresh decision in accordance with law with opportunity to the respondents to place their case by filing counter affidavit. Learned counsel for the appellants submits that the grievance of the writ petitioner has been redressed, but cost was re-imposed.

Mr. C.S. Sinha, learned counsel has submitted that the averments made in the delay condonation application also make it obvious that the appellants have decided to implement the impugned judgment; but they are only aggrieved with the imposition of cost of Rs.10,000/-.

The appeal suffers from a delay of 49 days for condonation of which IA No.01/2024 has been filed.

We have heard learned counsel for the appellants and learned counsel for the writ petitioner/sole respondent herein both on the delay condonation application and also on the grounds of challenge in the main appeal. On being satisfied with the grounds urged in the interlocutory application, delay of 49 days is condoned.

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Upon hearing learned counsel for the parties, we are of the opinion that since the matter was remitted by this Court earlier by setting aside the impugned judgment passed on the first occasion whereby also a cost of Rs.10,000/- was imposed and in the second round, the respondents have abided by the directions passed by the learned Writ Court for settlement of account of the petitioner, the imposition of cost of Rs.10,000/- was unnecessary. Accordingly, the same is waived.

The writ appeal is disposed of.

(BISWAJIT PALIT), J **(APARESH KUMAR SINGH), CJ**

Pijush/

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