

10th May,
2024
(AK)
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W.P.A 10466 of 2024

PPS International and others
Vs.
Union of India and others

Mr. Ratnanko Banerjee
Mr. D.N. Sharma
Mr. Ankan Rai
Mr. Ratnesh Kr, Rai
Ms. Devanshi Deora
Mr. Debajyoti Sengupta
...for the petitioners.

Mr. Swapan Kumar Nandy
Mr. Ganga Prasad Mukherjee
...for the Union of India.

Ms. Paromita Majumdar
Ms. Sunita Kumari
Mr. Pinak K. Mitra
Mr. Soumon Nanda
...for the respondent nos.9 & 10.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel appearing for the respondent no. 1 / Union of India submits at the outset that the respondent no.1 be expunged.
3. However, no logical explanation has been furnished as to why such expunction should take place.
4. Be that as it may, in view of the order proposed to be passed, such prayer loses relevance.
5. Learned senior counsel appearing for the writ petitioners submits that the writ petitioners intend

to prefer an appeal under the relevant provisions of law against the decision impugned herein.

6. It is, however, apprehended that since the petitioners are no longer proceeding with their writ petition, the writ petitioners may not be permitted by the appellate authority, if an appeal is preferred, to take similar points there.
7. However, there is no reason for such apprehension since if the petitioners choose to prefer an appeal, all points including the option of praying for the interim reliefs as sought herein will be kept open for the petitioners to be taken in such appeal.
8. Learned counsel appearing for the added respondent, the GIMOTA submits that the said entity ought to have been impleaded as a party to the writ petition from the inception since non-joinder of the said entity would render the writ petition bad.
9. It is also submitted that the said entity has relevant facts to place before this court.
10. However, in view of the petitioners choosing not to proceed further with the writ petition but to pursue their remedy in appeal, such facts need not be placed before this court.
11. Accordingly, WPA 10466 of 2024 is disposed of with liberty to the petitioners to prefer a challenge by way of an appeal on the self-same grounds as taken

in the writ petition wherein the petitioners would be at liberty to ask for the same interim reliefs as sought herein.

12. In view of no affidavits having been invited, it is deemed that none of the allegations made in the writ petition are admitted by any of the respondents including the added respondent.
13. All issues between the parties are kept open for being adjudicated before the appellate forum if and when an appeal is preferred by the petitioners.
14. There will be no order as to costs.
15. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)