

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE
HEARD ON: 21.05.2024**

DELIVERED ON: 21.05.2024

**CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA
M.A.T. 822 of 2024
With
IA No. CAN 1 of 2024
With
I.A. No. CAN 2 of 2024
RSD Natural Resources Private Limited & Anr
Vs.
State of West Bengal & Ors.**

Appearance:-

Mr. Debasish Ghosh

Mr. Lalit Baid

Ms. Saberi Saha

...for the appellants

Mr. Anirban Ray, Ld. GP

Mr. T.M. Siddique

Mr. Tanoy Chakraborty

Mr. S. Sanyal

.....for the State

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

In Re: I.A. No. CAN 1 of 2024

1. We have heard Mr. Debasish Ghosh, learned advocate appearing for the appellants and Mr. T.M. Siddique, learned Government counsel appearing for the State.

2. There is delay of 99 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
3. I.A. No. CAN 1 of 2024 is allowed and the delay in filing the appeal is condoned.

In Re: M.A.T. 822 of 2024

4. This intra-Court appeal by the writ petitioners is directed against the order dated 18th December, 2023 in W.P.A. 27962 of 2023 by which the writ petition stood disposed of by giving liberty to the petitioners to challenge the adjudication order by filing a statutory appeal.
5. We find no error in such order for the same being interfered.
6. The learned advocate for the appellants submitted that though several decisions of this Court were placed before the adjudicating authority, the adjudicating authority has chosen only a few of the judgments and has not dealt with the other judgments. This issue can be raised before the appellate authority in the statutory appeal . Since the appellants have already paid the entire amount due and payable, the question of pre-deposit also would not arise.
7. Therefore, we dispose of this appeal and the connected application (I.A.No. CAN 2 of 2024) by directing the appellants to file a statutory appeal within a period of ten days from the date of receipt of server copy of this order and on receipt of the appeal petition, the appellate authority shall afford an opportunity of personal hearing to the authorised representative of the appellants, hear and dispose of the appeal on merits and in accordance with

law within a period of thirty days from the date personal hearing is concluded.

8. The appellants are at liberty to raise all factual and legal issues before the appellate authority including the decisions of this Court, which shall be considered and dealt with by the appellate authority in the order to be passed.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)