

10.06.2024
Item No.10
gd/ssd

MAT/1052/2024
THE STATE OF WEST BENGAL AND ORS.
VS
BISWAJIT SAHA AND ORS.

Mr. Tanoy Chakraborty
..for the Appellants.

1 We have heard the learned advocate appearing for the appellants/State.

2. The appellants are aggrieved by the interim order granted by the learned Single Bench.

3. As could be seen from the impugned order affidavits have been called for and considering the urgency, short date has been given. It appears that the appellants have not filed their affidavit-in-opposition in the writ petition.

4. The learned advocate appearing for the appellants would strenuously submit that there is grave urgency in the matter as interim order has been granted by virtue of which the State is compelled to procure the medicines at higher rates. Furthermore, it is contended that the writ petitioners having participated in the tender process are precluded from challenging the terms and conditions of the tender. These are all issues which have to be agitated in the writ petition after affidavit-in-opposition is being filed by the appellants/respondents.

5. The learned advocate appearing for the appellants submitted that the Regular Bench is not in session and urgent matters alone have been assigned to another Hon'ble Bench.

6. In the event the appellants file the affidavit-in-opposition in the writ petition after service of the copy of the same on the learned counsel of the writ petitioners by the end of this week, namely, 14th June, 2024 along with the application for vacating the interim order, the said application shall be listed before the appropriate Court presently having determination in the week commencing 18.06.2024 subject to the convenience of the Hon'ble Single Bench.

7. It is submitted by the learned advocate for the appellants that there are totally eight matters wherein identical reliefs have been sought for and interim orders have been granted.

8. The above order shall apply to the other matters as well.

9. With the above observation, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)