

10.07.2024
Item No.17
gd/ssd

MAT/1261/2024
SAMARENDRA NATH MUKHERJEE AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Debajyoti Basu,
Mr. Diptomoy Talukder
Mr. S.M. Hassan
..for the Appellants.

Mr. Biswabrata Basu Mallick,
Ms. Munmun Ganguly
..for the State.

Mr. Mainak Ganguly,
Mr. Dhiraj Kr. Gupta,
Mr. Swarup Saha
..for the Respondent Nos.5 to 10.

1. This intra court appeal by the writ petitioners is directed against the order dated 19.06.2024 in WPA 10999 of 2024 by which the writ petition was dismissed with cost.

2. The petitioners had challenged the election conducted to an Apartment Owners' Association.

3. It is not in dispute that the competent authority under the West Bengal Apartment Ownership Act, 1972 has taken on file the said petition and fixed a date of hearing on 01.07.2024 on which date the appellants did not appear.

4. The learned advocate for the appellants submitted that it is only on the previous day i.e. on 30th

June, 2024 an e-mail was received and the appellants did not have sufficient time to take appropriate advice and appear before the competent authority.

5. In this background, the writ petition has been filed.

6. The learned advocate appearing for the State submitted that the fresh date of hearing has been fixed by the competent authority on 28.08.2024.

7. Considering the said fact, we dispose of this appeal by directing the parties to appear before the competent authority on 28.08.2024.

8. Consequently, the observations made by the learned Single Bench in paragraph 2 of the order stands deleted as well as the imposition of cost in paragraph 3 is also deleted.

9. It is open to the parties to advance all contentions before the competent authority.

10. The written instruction given by the competent authority to the learned Government counsel is taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)