

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***M.A.T. 1344 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)***

***Naru Gopal Das
-Vs-
The State of West Bengal & Ors.***

For the Appellant : Mr. Dhiman Ray, Adv.,
Mr. Dip Chanda, Adv.,
Mrt. Pritam Modak, Adv.

Heard on : 24.09.2024

Judgment on : 24.09.2024

Joymalya Bagchi, J. :-

Re : C. A. N. 2 of 2024

1. Heard the learned Advocates for the parties.
2. Having considered the averments in the application for condonation of delay and being satisfied, delay in preferring the appeal is condoned.

3. Accordingly, the application being CAN 2 of 2024 is disposed of.

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4. Appellant has assailed judgment and order dated 26.04.2024 passed by the Hon'ble Single Bench whereby the writ petition was disposed of giving the appellant liberty to avail appellate remedy under Section 139 of the West Bengal Co-operative Societies Act to assail the award.
5. Appellant contends though notice of hearing was served upon him, he was denied an opportunity of hearing. Accordingly, award was passed in violation of principles of natural justice.
6. We have considered the submission in light of the materials on record. Admittedly, notice was served upon appellant and he attended the hearing. During the hearing or soon thereafter, appellant did not raise any grievance that he was prevented from making submission. Belatedly, he has taken this stance.
7. In light of the aforesaid facts and the existence of statutory appellate remedy, we are of the view no interference is called for.
8. Accordingly, appeal and the connected application being CAN 1 of 2024 are dismissed.
9. There shall be no order as to costs.

10. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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