

08.02.2024

**MAT 1440 of 2019  
With  
CAN 1 of 2019 (Old CAN 11541 of 2019)  
With  
CAN 2 of 2023**

**Sri Sanjay Chatterjee  
Vs.  
The State of West Bengal & Ors.**

Mr. Sayan Chatterjee  
Mr. Subrata Patra

... ... for the appellant

Mr. Ashim Kr. Ganguly  
Mr. Sk. Masood

... ... for the State

Mr. Susnigdho Bhattacharyya

... ... for the respondent nos.4 & 5

Heard Shri Sayan Chatterjee, learned counsel for the appellant, Shri Ashim Kr. Ganguly, learned counsel for the State and Shri Susnigdho Bhattacharyya, learned counsel for the respondent nos.4 and 5.

**Order on CAN 2 of 2023**

This appeal has been filed beyond limitation by 17 days along with the delay condonation application. Having heard the learned counsel for the parties, the delay in filing the appeal is condoned in the absence of any serious objection raised.

Delay condonation application being CAN 2 of 2023 is allowed.

**Order on appeal**

Learned counsel for the appellant submits that there is a serious litigation going on between the appellant herein and the respondent no.4 herein and the

respondent no.6 herein who was writ petitioner in WP No.14139 (W) of 2019. He submits that no material has been pointed out in the impugned order dated 08.08.2019 passed by the Writ Court so as to support the finding that the material available establishes that the writ petitioner (respondent no.6 herein) has been set up by the respondent no.4 (appellant herein). He further submits that apart from the above, costs imposed is highly excessive and has no basis.

Learned counsel for the respondent nos.4 and 5 submits that the appellant herein had filed the above noted writ petition in collusion with the respondent no.6 herein and as such the Writ Court has not committed any manifest error of law to impose the costs upon the appellant herein.

We have carefully considered the submissions of learned counsel for the parties and perused the impugned order dated 08.08.2019 passed by the learned Single Judge in WP No.14139 (W) of 2019 (Priti Chatterjee Vs. The State of West Bengal & Ors.).

We find some force in the submission of the learned counsel for the appellant. Perusal of the impugned order reveals that no material has been pointed out on the basis of which the learned Single Judge has formed the opinion that the appellant herein has been set up by the writ petitioner Priti Chatterjee. No basis based on any material appears from the impugned

order so as to justify imposition of costs of Rs.2,00,000/- (Rupees two lakhs only).

Under the circumstances, the impugned order dated 08.08.2019 passed by the learned Single Judge in WP No.14139 (W) of 2019 (Priti Chatterjee Vs. The State of West Bengal & Ors.) cannot be sustained and is hereby set aside to the extent of imposition of costs of Rs.2,00,000/- (Rupees two lakhs only).

The appeal is allowed to the extent as indicated above.

Pending application, if any, is also disposed of.

**(Surya Prakash Kesarwani, J.)**

**(Rajarshi Bharadwaj, J.)**