

D/L.07.
September 09, 2024.
KAUSHIK.

WPA No.22154 of 2024
Rakshak Subidha (P) Ltd.
Vs.
The State of West Bengal & Ors.

Mr. Soumya Majumdar
Mr. Debanjan Mukherjee

... for the petitioner.

Mr. Ranjay De
Mr. D. Chowdhury

...for the respondent no. 2.

Mr. Somnath Ganguly, learned AGP
Ms. Kalpita Paul

... for the State.

Affidavit-of-Service filed by the petitioner be
kept with the record.

The grievance of the petitioner is directed
against an order for dismissed dated August 1,
2024 passed in an application for seeking to
adduce additional evidence.

It is contended by the petitioner that the object
for bringing such additional documents on record
was primarily to controvert certain incorrect
averments made by the respondents in the
pending proceedings before the Tribunal. It is
alleged that such documents were also required
for just and proper adjudication of the disputes
between the parties.

By the impugned order, the Tribunal had
dismissed an application for adducing additional
evidence after going into the merits and the

relevancy of the documents and concluding that the documents were not relevant.

The State and the respondent no. 2 are represented. It is submitted on their behalf that they did not raise any objection to the filing of the application filed by the petitioner and have no objection if the impugned order is set aside and the application allowed.

It has also been recorded in the impugned order that the proceedings have been pending since 2017 and the same was being repeatedly adjourned. In so far as the findings pertaining to the pendency of the main *lis* are concerned, this Court is not inclined to pass any adverse finding. On the contrary, the Tribunal was justified in seeking to expeditiously dispose of the main proceeding.

However, it appears that the Tribunal erred in dismissing the application for additional evidence and going into the merits of the same and arriving a conclusive finding that the documents adduced by the petitioner were neither necessary nor relevant. To this extent, the findings in the impugned order are premature. The findings on the relevancy and evidentiary value of such evidence would ultimately only be decided at the time of trial. Although, the impugned order has elaborately discussed the merits of the documents proposed to be adduced nevertheless

there were no grounds to outrightly reject the application for additional evidence.

In view of the above, the impugned order dated August 1, 2024 stands set aside. The direction for costs of Rs.10,000/- is also set aside.

The matter is remanded back to the authorities for expeditious disposal of the same. The application for additional evidence stands allowed.

It is made clear nothing in this order is to be construed as a finding insofar as the probative or evidentiary value of the documents in the application for additional evidence are concerned.

With the above directions, **WPA 22154 of 2024** stands disposed of. There shall, however, be no order as to costs.

(Ravi Krishan Kapur, J.)