

759
06.02.2023
Ct. No.10
b.das

WPA 22251 of 2023

M. M. Automart & Anr.
Vs.
The State of West Bengal & Ors.

Mr. N. I. Khan
Mr. Amlan Kr. Mukherjee
...for the petitioners.

Mr. Pantu Deb Roy
Mr. Biplab Majumder
...for the State.

Heard learned counsels for the parties.

The petitioners have primarily challenged the issuance of an order of the registering authority issuing Trade Certificates in favour of some sub-dealers under Rule 35 of the Central Motor Vehicles Rules, 1989.

Learned counsel for the respondents submits that the said order is amenable to appeal under Rule 45 of the 1989 Rules and several factual aspects are involved in the matter which require adjudication before the appropriate forum.

Learned counsel for the petitioners submits that the matter be sent to the appellate forum for consideration of the same on merits without dismissing the same on the ground of limitation.

In view of the above, the writ petition being WPA 22251 of 2023 is disposed of.

Liberty is granted to the petitioners to approach the appropriate appellate forum, being the 2nd respondent

herein, for redressal of their grievance. In the event a statutory appeal is preferred within three weeks from date, the appellate authority shall consider the appeal on merits without dismissing the same on the ground of limitation.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)