

10.09.2024
Item No.5
PG/KS
Ct. No.1

**W.P.T.T. 26 of 2018
With
IA No. CAN 1 of 2024**

**The State of West Bengal & Anr.
Vs.
M/s. Super Spirit Warehouse & Ors.**

Mr. A. Ray, Ld. G.P.
Mr. T. M. Siddiqui
Mr. T. Chakraborty
Mr. S. Sanyal

..... for the Petitioners/State

Mr. S. Ghosh

.....for the respondent nos.1, 3, 4, 5 & 7

1. We have heard Mr. T. M. Siddiqui, learned advocate for the petitioners/State and Mr. S. Ghosh, learned advocate for the private respondents.
2. This application (IA No. CAN 1 of 2024) has been filed to restore the writ petition, which was dismissed for non-prosecution.
3. Learned advocate for the respondents would vehemently oppose the prayer sought for in the application for restoration. It is seen that the writ petition was of the year 2018 and was pending since then and when the matter was called on 30th April, 2024, none appeared for the petitioners and, therefore, the writ petition was dismissed. In the affidavit, it has been stated that the non-appearance was a *bona fide* mistake.

4. Thus, considering the fact that the writ petition has been pending since 2018 and the legal issue has been now heard by the Hon'ble Supreme Court and the judgment is reserved, this Court exercise discretion and restore the writ petition. Accordingly, I.A. No. CAN 1 of 2024 is allowed and the writ petition is restored to the original file and number, to be heard and decided on merits.
5. List the matter on 12th November, 2024.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)