

13 03.12.2024
AN Ct. No. 01
RP

MAT 2047 of 2024
with
IA No. CAN 1 of 2024

Mahidul Mondal
vs.
State of West Bengal & ors.

Mr. Himangshu Kumar Ray
Mr. Subhasis Podder
Mr. Sushant Bagaria
Mr. Amit Saha
Ms. Shiwani Shaw

.....for the appellant

Mr. A. Ray
Md. T. M. Siddiqui
Mr. T. Chakraborty
Mr. S. Sanyal
Ms. S. Shaw

.....for the State

1. This intra-Court appeal filed by the writ petitioner is directed against the order dated 25.09.2024 passed in WPA 21192 of 2024 against an interim order by which the learned Single Judge directed the affidavit-in-opposition to be filed by the respondent Department within the time frame.

2. Learned counsel appearing for the appellant would submit that no direction was issued for sanctioning the refund. Such order cannot be passed by the learned Single Bench since the refund application was rejected and confirmed by the appellate authority and, therefore, until and unless the appellant/writ petitioner succeeds in the writ petition, the question of refund would not arise. Therefore, there is no ground made out to interfere with the impugned order.

3. In the result, both the appeal and the connected application stand **dismissed**. The respondent Department is directed to file their affidavit-in-opposition within three weeks from date. Reply thereto, if any, be filed within two weeks thereafter.

4. List the matter before the appropriate learned Single Bench in the week commencing from 06.01.2025 for further consideration.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)