

16.04.2024
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PG/KS
Ct. No.1

M.A.T. 2287 of 2023
With
I.A. No. CAN 2 of 2024

M/s. Aashikiran Merchantile
Private Limited
Versus
The State of West Bengal & Ors.

Mr. Billwadal Bhattacharya
Mr. Suryaneel Das
Mr. Chiranjit Pal.....for the applicant

Mr. Probal Kr. Mukherjee, Sr. Adv.
Mr. Kaushik Dey
Mr. Soumyajit Mishra.....for the respondents 6 & 7

In Re: I.A No. CAN 2 of 2024

1. I.A. No. CAN 2 of 2024 has been filed to restore the appeal, which was dismissed for non prosecution by order dated 23rd February, 2024.
2. After hearing the learned advocates for the parties, we are of the view that the appeal can be restored because the non-appearance of the learned advocate was neither willful nor wanton. Accordingly, the application I.A. No. CAN 2 of 2024 is allowed and the appeal stands restored to its original file and number.

In Re: M.A.T. 2287 of 2023

3. This intra-Court appeal has been filed against the order in W.P.A. 22823 of 2023 by which the learned Single Bench has recorded an opinion upon a preliminary perusal of the relief sought for.

4. It appears that the matter pertains to Group-IX of the Writ Rules and hence the Bench has determination to hear the matter.
5. In our considered view, the appellant cannot be stated to be aggrieved over such order. Since the Court on being satisfied that prima facie it has the jurisdiction to hear the matter, it has done so and made certain observations in the impugned order.
6. In any event, the order impugned cannot be treated to be judgment or a final order to be appealed against. Hence the appeal is dismissed.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)