

06.8. 2024
item No.63 & 64
n.b.
ct. no.24

WPA 11878 of 2020
With
WPA 5428 of 2014

Dhiren Mondal
Vs.
Indian Oil Corporation Ltd. & Ors.

Mr. Monoj Kumar Roy,
.... For the petitioner.
Mr. Amit kr. Nag,
Mr. Partha Banerjee,
.... For the IOCL.
Mr. Debdas Khanna,
Mr. Himadri Shekher Chakraborty.
Ms. Priyanka Chanda
..... For the private respondent.

Writ petition being no.5428 of 2014 was initially heard by a Co-ordinate Bench of this Court and it was disposed of against the petitioner. Being aggrieved by the order, petitioner preferred an intra-Court appeal before the learned Division Bench. The learned Division Bench has set aside the order of the Single Bench and pass favourable order in favour of the petitioner; against the said order, the IOCL as well as the private respondent approached to the Hon'ble Supreme Court. The Hon'ble Supreme Court in hearing both SLP's has pleased to remand the matter back to the Single Bench with a liberty to the parties to raise all issues legally or factually before the Single Bench.

Learned advocate for the petitioner submits that the present petitioner thinks it necessary to demonstrate the

matter afresh, for that reason the writ petition no. WPA 11878 of 2020 was filed.

Learned advocate for the private respondent raised strong objection and submits that the writ petition no. WPA 11878 of 2020 is not maintainable.

Learned counsel for the petitioner also submits that as the entire matter has been remanded by the Hon'ble Supreme Court afresh in all issues, sdo, the filing of writ petition being no. WPA 11878 of 2020 is redundant.

Considering the submission and considering observation of the Hon'ble Supreme Court in civil Appeal No.294 of 2020(SLP(c) 5195 of 2018/ 23506 of 2018) vide order dated January 14, 2020, it appears to me that the petitioner as well as the respondent may raised all issue regarding the bone of contention of the instant matter in WPA 5428 of 2014. On that score, the subsequent writ petition being No. WPA 11878 of 2020, which was filed on the self-same cause of action is become redundant and the same is disposed of.

Parties are otherwise ready for hearing.

Let the writ petition being No. WPA 5428 of 2014 be listed for hearing on August 28 of 2024,

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)