

OD – 26

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE

APOT/339/2024  
WITH  
WPO/689/2024  
GATEWAY HILRISE LIMITED  
VS  
THE STATE OF WEST BENGAL AND ORS

BEFORE :  
THE HON'BLE JUSTICE DEBANGSU BASAK  
And  
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI  
Date : 26<sup>th</sup> November, 2024

Appearance :  
*Mr. Alok Kumar Ghosh, Adv.*  
*Mr. Dilip Kumar Chatterjee, Adv. ...for KMC.*  
*Mr. Debjit Mukherjee, Adv.*  
*Ms. Susmita Chatterjee, Adv. ...for State.*

The Court : Appeal is directed against an order dated August 27, 2024 passed in WPO No. 689 of 2024.

By the impugned order, learned single judge found that the writ petitioner filed an application complaining of contempt of the High Court's decision passed by the Division Bench. Accordingly, learned single judge held the writ petition not to be maintainable after returning a finding that a second writ petition is maintainable to implement an order passed by another Bench.

Learned single judge therefore, did not entertain the second writ petition primarily on the ground that the contempt petition was pending.

Learned advocate appearing for the appellant submits that his client undertakes to withdraw the contempt petition filed in respect of the order dated September 30, 2022 passed by the Division Bench.

On the basis of such undertaking, we set aside the impugned order dated August 27, 2024. We remand the writ petition to the learned single judge for fresh consideration. All points raised by the parties including the points of maintainability are kept open.

APOT/339/2024 is dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)

pkd/gb.