

O - 25 to 31

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

ORIGINAL SIDE

APO/173/2023
IA NO.GA/1/2023

JYOTI BISWAS

-Versus-

UNION OF INDIA AND ORS.

APO/174/2023
IA NO.GA/1/2023

JYOTI BISWAS

-Versus-

UNION OF INDIA AND ORS.

APO/175/2023
IA NO.GA/1/2023

JYOTI BISWAS

-Versus-

UNION OF INDIA AND ORS.

APO/176/2023
IA NO.GA/1/2023

JYOTI BISWAS

-Versus-

UNION OF INDIA AND ORS.

APO/177/2023
IA NO.GA/1/2023

JYOTI BISWAS

-Versus-

UNION OF INDIA AND ANR.

APO/178/2023
IA NO.GA/1/2023

JYOTI BISWAS

-Versus-

UNION OF INDIA AND ANR.

APO/179/2023

IA NO.GA/1/2023

JYOTI BISWAS

-Versus-

UNION OF INDIA AND ANR.

BEFORE :

THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM

And

THE HON'BLE JUSTICE SUPRATIM BHATTACHARYA

Date : 8th January, 2024

Appearance :

Mr.Smarajit Roy Chowdhury, Adv.

Mr.Om Narayan Rai, Adv.

Mr.K.K. Maity, Adv.

Mr. Tapan Bhanja, Adv.

Mr. Partha Sarathi Mondal, Adv.

Mr.V. Kundalia, Adv.

Ms.Ekta Sinha, Adv.

Mr.Debasish Choudhury, Adv.

Ms. Kanika Gupta, Adv.

Mr.Prabir Bhowmik, Adv.

Ms. Moumita Mondal, Adv.

Mr. Aryak Dutta, Adv.

Mr.Madhu Jana, Adv.

Mr.Tilak Mitra, Adv.

Ms.Ranjana Chatterjee, Adv.

Mr.Arijit Chakrabarti, Adv.

Mr. Nilotpall Chowdhuri, Adv.

Mr.Syed Wasim Faruque, Adv.

Mr.B.P. Banerjee, Adv.

Mr.Abhradip Maity, Adv.

The Court : These intra-Court appeals have been filed by the petitioner against an interim stay by the learned Single Judge directing the appellant to deposit 7.5% of the

impugned demand made in the Order-in-Original. Admittedly, as per the Order-in-Original, the appellant's remedy lies before the learned Tribunal and if the appellant had filed the appeal before the learned Tribunal, mandatory pre-deposit has to be complied with otherwise the appeal will not be entertained. So far as the ground on which the challenge was made, the learned Writ Court has entertained the writ petition and directed the respondents to file affidavit-in-opposition and while exercising the discretion directed the petitioner to deposit 7.5% of the impugned demand. Hence, we find that there is no error in exercising such discretion, more particularly had the appellant filed the appeal before the learned Tribunal unless this pre-deposit has been done, the appeal would not have been entertained. Hence, we find no ground to interfere.

In the result, the appeals fail and are dismissed along with the connected applications.

(T.S. SIVAGNANAM)
(CHIEF JUSTICE)

(SUPRATIM BHATTACHARYA, J.)

