

Item- 21-02-2025
4.

sg Ct. 37

MAT 166 of 2025
CAN 1 of 2025

West Bengal Small Industries
Development Corporation Ltd. & Ors.
Versus
Deepak Kejriwal & Anr.

Mr. Mahendra Prasad Gupta
Mr. Himangshu Ghosh
...for the appellants
Mr. Ayan Banerjee
...for the respondent

1. This matter has been assigned to this Bench by an Administrative Order of the Hon'ble the Chief Justice dated 13th February, 2025.
2. The appeal is arising out of an order dated 14th February, 2025 merely directing the matter to appear under the heading "For Orders" on 19th February, 2025.
3. The grievance of the appellants is that the interim order extended mechanically is not quite borne out from the order dated 14th January, 2025. Moreover, it appears that the parties have submitted that the interim order was in existence till 31st January, 2024 and was extended from time to time. It further appears from the impugned order that the parties have resumed their submission.
4. The extension of interim order from time to time has not been challenged. It is unacceptable that the said interim order was extended mechanically as the initial order was passed on merits and on contest and it is important to preserve the rights of the parties during the pendency of the proceeding.

5. The interim order was in existence since 18th October, 2023 and it was last extended on 14th January, 2025. The matter was fixed on 19th February, 2025. In view of the fact that due to non-availability of His Lordship, the matter could not be taken on that date.
6. Mr. Ayan Banerjee, learned Counsel appearing on behalf of the respondents/writ petitioners, submits that the appellant, on a specious plea that the interim order was expired on 19th February, 2025, had sealed the premises. As a result, the respondents cannot enter into the premises.
7. If for any reason the learned Judge is not available on the date fixed, propriety demands to wait for the learned Judge to resume office and not to take any step which might likely to render interim order already passed infructuous. However, it is for the respondents to raise such plea before the learned Single Judge.
8. In view of the submission of Mr. Banerjee that the interim order was extended until further order, the interpretation of the Corporation with regard to limited interim order was untenable and the matter shall be brought to the notice of the learned Single Judge with regard to violation of the interim order.
9. In such view of the matter and in any event having regard to the fact that the interim order was continuing since 18th October, 2023 and the matter was substantially heard by the learned Single Judge, we are of the view of that there is no scope to interfere with the interim order.
10. The appeal and the application accordingly, stand dismissed. However, there shall be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)