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AN
RP

21.01.2025
Ct. No. 01

WPA(P) 10853 of 2024

Supratik Ghosh
vs.
State of West Bengal & Ors.

Mr. Tapas Dutta
... for the Petitioner

Mr. A. Ray, Ld. G.P.
Mr. T. M. Siddiqui, Ld. A.G.P.
Mr. T. Chakraborty
Mr. S. Sanyal
... for the State

1. This writ petition has been filed challenging the order dated 07.12.2023 passed by the learned West Bengal Taxation Tribunal by which the application was dismissed for non-prosecution.

2. In the order passed by the learned Tribunal on the earlier date i.e. 06.12.2023, the Tribunal has observed that the learned advocate had sent an e-mail to the Registrar containing a threat that non-appearance of a matter in the cause list would amount to contempt of court and irrespective of the position of the contemnor there was a request to list the matter. It is no doubt true that the manner in which the e-mail was sent by the counsel to the learned Registrar of the Tribunal, was not in good taste.

3. Learned counsel appearing for the petitioner submits that there was no intention to disrespect the learned Tribunal or the learned Registrar of the Tribunal and the anxiety of the client was to get the matter listed on an early date. Therefore, it is submitted that unconditional apology is being tendered which may be considered by this

Court and the learned Tribunal may decide the matter on merits.

4. We have heard learned counsel appearing for the petitioner and learned senior counsel representing the State respectively.

5. While not appreciating or approving the tenor and manner on which the learned advocate has addressed the Registrar of the learned Taxation Tribunal bearing in mind the plight of the client, who went before the learned Tribunal, we condone the conduct of the learned advocate who had issued a communication and consequently, set aside the order passed by the learned Tribunal and restore the application to its original file and number of the learned Tribunal to be heard and decided on merits. The apology tendered by the learned advocate is placed on record.

6. With above directions, the writ petition stands **disposed of.**

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)