

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Uday Kumar**

M.A.T 769 of 2025

IA No: CAN 1 of 2025

Hindustan Petroleum Corporation Limited and others

Vs.

Prasanta Soren

For the appellants	:	Mr. Biswanath Chatterjee Mr. sobhan Pathak
For the respondent	:	Mr. Saptansu Basu, Snr. Adv. Mr. Ramesh Dhara
Heard on	:	21.08.2025
Judgment on	:	21.08.2025

Sabyasachi Bhattacharyya, J.:-

1. The present appeal has been preferred against an *ad interim* order of injunction granted by the learned Single Judge.
2. Learned counsel appearing for the appellants submits that despite the appellants having created third party rights in respect of the subject tank trucks prior to the passing of the order, the learned Single Judge passed a restraint order in respect of seven tank trucks.

3. Learned senior counsel appearing for the respondent opposes such contention and argues that the said objection was not taken before the learned Single Judge.
4. To this, learned counsel for the appellants submits that the appellants, precisely for pointing out such fact, sought for directions of affidavit.
5. Be that as it may, since we are apprised that the writ petition is itself fixed for hearing before the learned Single Judge on September 8, 2025 and affidavits have already been exchanged in respect of the same and the writ petition is otherwise ready for hearing, we do not intend to take up the appeal on merits, as any observation made by this Bench in appeal might prejudice the hearing of the writ petition itself.
6. In any event, since the dispute as raised in the present appeal can only be thrashed out upon affidavits being exchanged, we relegate the matter to be heard before the learned Single Judge.
7. Accordingly, MAT 769 of 2025, along with the connection application, bearing CAN 1 of 2025, are disposed of without interfering with the impugned order as well as without entering into the merits of the rival contentions of the parties, requesting the learned Single Judge to take up the writ petition itself for hearing on the next scheduled date, that is, on September 8, 2025.

8. Needless to say, all points are kept open to be decided by the learned Single Judge at the final hearing of the writ petition.
9. There will be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Uday Kumar, J.)