

03.03.2025
Item No.16-17
RP/KC
Ct. No.01

MAT 1176 of 2023
+
IA No.CAN 1 of 2023
Bansidhar Majhi
VS.
Rajib Roy & Ors.
With
MAT 959 of 2023
+
IA No.CAN 1 of 2023
CAN 2 of 2023
Bansidhar Majhi
VS.
Rajib Roy & Ors.

Mr. Sougata Mitra
Mr. Nikhil Kumar Gupta
Ms. Soma Chakraborty
Mr. Subhadeep Maitra
.....For Appellant
Mr. Surojit Sinha Roy
Ms. Sushmita Adhikary
.....For Respondent No.1
Mr. Tapan Mukherjee, Ld. AGP
Ms. Sangeeta Roy
.....For State

In Re : MAT 1176 of 2023 + CAN 1 of 2023

1. This appeal has been filed challenging the order dated 12th May, 2023 passed in CAN 6 of 2023 arising out of WPA 3965 of 2021. The said application was filed for addition of party, namely, the appellant to be impleaded as respondent in WPA 3965 of 2021. It is not in dispute that the appellant participated in the tender process and has been successful in the tender process. The writ petitioner has filed the writ petition to rescind the tender notice for certain reasons. Therefore, we find that for effective and proper adjudication of the writ

petition, the appellant will be a proper and necessary party to the writ petition. For such reasons, MAT 1176 of 2023 and the connected application are allowed. Consequently, the order passed in CAN 6 of 2023 dated 12th May, 2023 is set aside and CAN 6 of 2023 is allowed and the appellant is directed to be added as a respondent in the writ petition. Necessary corrections be effected in the cause title of the writ petition.

In Re : MAT 959 of 2023
+
CAN 1 of 2023, CAN 2 of 2023

2. This appeal has been filed challenging the interim order dated 26th February, 2021 passed in WPA 3965 of 2021 though the said application was considered and the Court refused to entertain the prayer. It is seen that the interim order is in operation and stay of operation of the same at this juncture will not be an equitable proposition since we have allowed MAT 1176 of 2023 and added the appellant as respondent in the writ petition. The respondent is directed to file affidavit-in-opposition in the writ petition so that the matter can be finally heard and disposed of. Accordingly, the appeal and the connected applications are disposed of without interfering with the interim order dated on 26.02.2021 but giving liberty to the appellant, who is the newly added respondent in WPA 3965 of 2021, to file their affidavit-in-opposition within three weeks from the date

of receipt of the server copy of this order. Reply, if any, be filed within one week thereafter.

3. The appellant is directed to surrender the keys of the store room to the official respondent/hospital.
4. List WPA 3965 of 2021 before the appropriate Bench in the Combined Monthly List of April 2025.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)