

22.09.2023
PB
Sl. No.11.

WPA 16424 of 2023
With
CAN 2 of 2023

Mega Ply Centre
Vs
Authorized Officer, Aditya Birla
Finance Limited

Mr. Dulal Dey.
... For the Petitioner.
Mr. Sagar Bandopadhyay,
Ms. Ranjabati Ray.
.....for the respondent.

Heard learned advocates appearing for the parties.

CAN 2 of 2023.

This is an application for restoration/recalling of the order of this Court dated 13th September, 2023, dismissing the writ petition being WPA 16424 of 2023 and CAN 1 of 2023 for default. Considering the explanation given by the petitioner for non-appearance of the learned advocate for the petitioner at the time of calling of the matter on 13th September, 2023, I find the same satisfactory and accordingly, the order dated 13th September, 2023 is recalled and the application being CAN 1 of 2023 are restored to its original file and number. Considering the scope of application for

appropriate order as prayed for in CAN 1 of 2023, I am not inclined to grant any relief on the said application which would amount to allowing the main writ petition itself and as such, the said application being CAN 1 of 2023 is dismissed. I am also of the view that the issues involved in this writ petition cannot be finally adjudicated without exchange of affidavits by the parties.

Let the respondents file affidavit in opposition within four weeks; petitioner to file reply thereto, if any, within two weeks thereafter.

List the matter for final hearing in the monthly list of December, 2023.

Point of maintainability of the writ petition raised in the writ petition raised by the respondents is kept open.

(Md. Nizamuddin, J.)