

29.10.2025
Court No.13
Item No.23
AP

MAT 1191 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
With
CAN 3 of 2025
With
CAN 4 of 2025

Gora Chand Sadhukhan
Vs.
M/s. Joy Kali Oil Mill and Company & Ors.

Mr. Rahul Karmakar
Ms. Ishita Kundu

... For the Appellant.

Mr. Siddhartha Banerjee
Mr. Souradeep Banerjee
Ms. Sanjana Sinha

... For the Respondent No.2.

Mr. Syamal Kumar Das
Mr. Krishna Yadav

... For the Respondent/Barrackpore Municipality.

Re.: CAN 1 of 2025

1. CAN 1 of 2025 is an application for leave to prefer this appeal. The proposed appellant, claims to be an erstwhile partner of the writ petitioner/firm before the Single Bench. He was not impleaded as a party respondent in the writ petition filed by the firm against the municipality aggrieved by the latter's silence on the renewal of trade licence of the firm.

2. The appellant had applied before the Single Bench for being added as a party respondent to the writ petition.

3. Having regard to the aforesaid facts, this Court is of the view that the appellant is entitled to leave to prefer the instant appeal.

4. Accordingly, CAN 1 of 2025 is allowed and disposed of.

Re.: CAN 2 of 2025

5. CAN 2 of 2025 has been filed seeking condonation of delay of 78 days.

6. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.

7. Accordingly, CAN 2 of 2025 is allowed.

Re.: MAT 1191 of 2025

**With
CAN 3 of 2025
With
CAN 4 of 2025**

8. The appellant and the writ petitioner/respondent were partners of M/s. Joy Kali Oil Mill and Company. There are disputes and differences between the partners that are subject matter of an arbitration proceeding.

9. The firm now represented by the writ petitioner/respondent had filed the writ petition for inaction on the part of the Barrackpore municipality for renewal of trade licence.

10. The appellant could not be represented before the Single Bench as his lawyer is engaged in a proceeding before another Court.

11. The Single Bench on 2nd April, 2025, in the absence of the appellant, directed the municipality to renew the licence of the writ petitioner. The prayer for addition of parties was not entertained by the Court.

12. After the impugned order was passed, the appellant applied before the Single Bench for recall of the order dated 2nd April, 2025 and for being heard.

13. It is prima facie appears to this Court that the appellant may be a party required to be heard in the writ petition. These are, however, matters to be decided by the Single Bench which is left open.

14. Having regard to the discussion made hereinabove, this Court is of the view that the application for, addition of parties and for recall of the order dated 2nd April, 2025 ought to be heard by the Single Bench before a final decision on the writ petition.

15. For the aforesaid purpose, the order dated 2nd April, 2025 shall remain in abeyance and shall abide by any decision afresh by the Single Bench.

16. Mr. Siddhartha Banerjee, learned advocate for the writ petitioner has fairly conceded to the aforesaid.

17. With the aforesaid observations, MAT 1191 of 2025 is allowed and disposed of.

18. Consequently, CAN 3 of 2025 and CAN 4 of 2025 are also disposed of.

19. It is made clear that the Single Bench shall proceed to decide the matter uninfluenced by any observations made by this Court in the instant order.

20. There shall be no order as to costs.

21. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Apurba Sinha Ray, J.)