

OD- 3 & 4

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/149/2025
With
WPA/27856/2024

DEBARGHYA DHARMOHAPATRA
VS
THE STATE OF WEST BENGAL AND ORS.

Wt

RVWO/8/2025
IA No.GA/1/2025
GA/2/2025

KOUSHIK GLOBAL LOGISTICS LIMITED AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

BEFORE :
THE HON'BLE JUSTICE RAI CHATTOPADHYAY
Date : 13th May, 2025

Appearance:

Mr. Sattwik Bhattacharyya, Adv.
Mr. Aashutosh Bhattacharyya, Adv.
...for petitioner in RVWO/8/2025.

Mr. Sankar Nath Mukherjee, Adv.
Sk. Samim Akhter, Adv.
Mr. Niraj Gupta, Adv.
..for petitioner in WPO/149/2025 &
for respondent in RVWO/8/2025.

Mr. Pantu Deb Roy, Adv.
Mr. Subrata Guha Biswas, Adv.
..for the State in WPO/149/2025.

Mr. Amal Kumar Sen, Ld. AGP.
Mrs. Ashima Das (Sil), Adv.
..for the State in RVWO/8/2025 &
WPA/27856/2024.

The Court : An application for review of this Court's order dated September 26, 2024 in WPO 149 of 2025, being GA/2/2025 has been filed by the applicant who says that in terms of the said order an offer letter has been granted to the petitioner therein. According to the applicant, the said order of the Court dated September 26, 2024 is required to be reviewed for the reason that the applicant being necessary party to the said writ petition has been initially left to be added as a party therein. According to the applicant, that is a malicious and mala fide avoidance by the writ petition therein. It is stated that, thus Court order has been passed without presence of the applicant though he being a necessary party in the case and was required to be heard for proper adjudication of the case.

Mr. Bhattacharyya, learned Advocate for the review applicant has submitted that the application by the review applicant for issuance of permit since being pending before the respondent Authority for consideration, the writ petitioner should not have moved before the Court, without impleading the review applicant, as a party therein. That, there has been gross suppression of material facts.

Serious objections have been raised as to the contentions and prayers of the review applicant, as above, by the writ petitioner in WPO 149

of 2025, represented by Mr. Mukherjee. Mr. Mukherjee has put forth several grounds for which according to him, the review application would not be maintainable. Amongst the same, one is that the review applicant being the company under liquidation should not have independent capacity as a juridical person/ company to be represented before this Court.

The fact that the company/applicant is under liquidation is not in dispute in the instant case. Considering the above, this Court finds that the review applicant did not have *locus standi* to represent itself before this Court, in its capacity as a company.

Hence, the review application being RVWO 8 of 2025 is not maintainable at the instance of the review applicant. The said application being RVWO 8 of 2025 is dismissed.

Accordingly, on the self same ground in the Appellate Side, the other writ petition appearing along with the present, should also be dismissed.

WPA 27856 of 2024 is dismissed being not maintainable at the instance of the petitioner therein.

In view of the dismissal of the WPA 27856 of 2024, there would not be any impediment for the respondent Authority to consider for grant of permit to the petitioner in WPO 149 of 2025 and take necessary steps for the same.

Therefore, the present writ petition is being disposed of with the direction to the respondent No. 4 the Secretary, State Transport Authority,

West Bengal, to consider prayer of the petitioner in WPO 149 of 2025, positively within the period of two weeks from the date of communication of a copy of this order. If necessary, he may afford opportunity to the petitioner of being heard in this regard, and pass necessary order.

Writ petition being WPO 149 of 2025 is disposed of.

(RAI CHATTOPADHYAY, J.)

Sbghosh