
(2017) 07 CAL CK 0050
In the Calcutta High Court
Case No : 5980 of 2017

Joy Guru Enterprises

APPELLANT

Vs

The State of West Bengal & Ors.

RESPONDENT

Date of Decision : 19-07-2017

Acts Referred:

Citation : (2017) 07 CAL CK 0050

Hon'ble Judges : Biswanath Somadder, Sankar Acharyya

Bench : DIVISION BENCH

Advocate : Sobhan Kumar Pathak, Abhijit Roy, Triasha Banerjee, Jahar Lal De, Shamim ul Bari, Achintya Kumar Banerjee, Arijit Dey

Final Decision : Dismissed

Judgement

1. By consent of the parties, the appeal is treated as on day's list and taken up for consideration along with the application for stay.

2. The instant appeal arises out of an order dated 19th June, 2017, passed by the learned Single Judge in WP 15284 (W) of 2017 (M/s. Joy Guru Enterprise vs. The State of West Bengal & Ors .). The appellant before us is the writ petitioner.

3. The impugned order is reproduced in its entirety:

"The record produced by the Kolkata Municipal Corporation does not reveal that the application filed by the petitioner contains the relevant documents required to be submitted along with the offer under notice inviting tender.

The petitioner, however, insists that it submitted all such documents along with the offer and, therefore, the dispute pertains to whether the offer contains those documents/papers or not.

This cannot be decided without permitting the Corporation to file its affidavit.

Let the affidavit-in-opposition be filed by the Corporation within four weeks from

date. Reply thereto, if any, be filed within a week thereafter.

Let the matter be listed after five weeks."

4. In an Intra-Court Mandamus Appeal, no interference is usually warranted unless the impugned order suffers from palpable infirmities or perversities. Even a bare perusal of the impugned order reveals no such palpable infirmities or perversities. As such, no interference is warranted.

5. The appeal and the application for stay are liable to be dismissed and stand accordingly dismissed.

6. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.