

31.01.2025.
Item No. 21.
Court No. 13
ap

M.A.T. No. 2194 of 2024
With
I.A. No. CAN 1 of 2024
And
I.A. No. CAN 2 of 2024

Malay Kar
Versus
Madan Kumar Basak & Ors.

Mr. Ramesh Dhara,
Ms. Mousumi Chowdhury.

...For the appellant.

Mr. Supratim Dhar,
Ms. Rajyashree Mukherjee.

...For the State.

Mr. Debabrata Saha Ray,
Mr. Subhankar Das.

...For the respondent no.1/writ petitioner.

1. This Court is informed that a Co-ordinate Bench of this Court is seized of a batch of appeals, inter alia, being M.A.T. No. 1543 of 2024 (Setara Begam – Vs. – State of West Bengal & Ors.) wherein an interim order has been passed in favour of an existing FPS Dealers that none of their existing linked consumers should be delinked from them. The interim order was passed on 6th August, 2024.

2. The present appeal is directed against an interim order dated 27th November, 2024 wherein an interim order was passed based on an order dated 6th August, 2024 passed in M.A.T. No. 1543 of 2024.

3. Learned Counsel for the appellant would argue that the issues in M.A.T. No. 1543 of 2024 are different from the issues in the instant appeal.

4. The appellant before us is one of those FPS Dealers, who has been selected under a new Notification issued on 24th February, 2023 based on Control Order of 2013.

5. This Court finds that the issues in instant appeal are vitally interlinked to the issues in M.A.T. No. 1543 of 2024 since allowing the new FPS Dealers selected to operate would have the effect of delinking some consumers from the existing FPS Dealers which include those, inter alia, in M.A.T. No. 1543 of 2024.

6. The prayers made in the instant appeal are contrary to the interim order dated 6th August, 2024 passed by a Co-ordinate Bench of this Court directing that there would be no consumer delinked from the existing FPS Consumer/appellants therein.

7. It is submitted by the Counsel for the parties that several appeals on the selfsame issue has been assigned to a Co-ordinate Bench of this Court presided over by Hon'ble Justice Joymalya Bagchi.

8. This Court is of the view that to avoid conflict of decisions, the instant intra court appeal should also be heard by the same Bench.

9. Let the instant appeal and the connected application stand released from this Bench and be placed before the Hon'ble the Chief Justice for appropriate orders.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)