

Vs. Union of India and ors.

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SooperKanoon Citation : sooperkanoon.com/1060202

Court : Kolkata

Decided On : Mar-19-2013

Judge : Dr. Sambuddha Chakrabarti

Respondent : Union of India and ors.

Judgement :

ORDER

SHEET WP No.229 of 2013 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE M/S.ONUS MANAGEMENT PVT.LTD & ANR.

Petitioner Versus UNION OF INDIA & ORS.Respondents BEFORE: The Hon'ble JUSTICE Dr.

SAMBUDDHA CHAKRABARTI Date :

19. h March, 2013.

For Petitioner : Mr.Debapriya Gupta, Advocate Ms.Sucharita Biswas, Advocate
For Respondents No.2 to 5.

: Mr.Soumitra Banerjee, Advocate The Court : Orders dated April 2, 2012 and August 17, 2012 passed by the respondent No.4 herein have been assailed by this writ petition.

By the orders impugned the said respondents determined a certain amount as statutory due from the petitioner in respect of certain periods as mentioned in the respective orders. The petitioner has assailed the order by invoking the writ jurisdiction of this Court.

efficacious alternative remedy However, I am of the view that an equally in the form of a statutory appeal has provided in section 45AA is available to the petitioner.

The petitioner has not exhausted remedies to the remedy entertain the of statutory writ exhausting the statutory appeal.

appeal petition and without as the such this Court petitioner FIRs. The learned Advocate for the petitioner submits that about 33% of the contribution ordered by the impugned order have already been deposited so they can maintain the appeal.

I direct that if the appeal is filed in accordance with law within a period of seven days from today, the Appellate Authority shall dispose of the same on merits.

If this appeal and the connected application is filed within the time as directed earlier in this order, the respondents shall not take any coercive stay, if filed as directed, is heard.

step before the application for This writ petition is disposed of.

Since this writ petition is being disposed of without calling for any affidavits, all allegations made therein are deemed to have been denied.

Urgent Photostat certified copy of this order be made available to the parties, if applied for, upon compliance of requisite formalities.

(Dr.

SAMBUDDHA CHAKRABARTI, J.) msen

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