

# MANAGING DIRECTOR GAURAV INSTITUTE OF MANAGEMENT SCIENCES v. TARUN KUMAR DAS

MANAGING DIRECTOR GAURAV INSTITUTE OF MANAGEMENT SCIENCES

...Appellant

TARUN KUMAR DAS

...Respondent

Case No: REVISION PETITION NO. 1985 OF 2019

Date of Judgement: 02 November 2023

Judges:

KARUNA NAND BAJPAYEE

PRESIDING MEMBER

For Appellant: NEMO

For Respondent: NOT SERVED

**Facts:**

*Revision Petition No. 1985 of 2019 filed by Managing Director, Gaurav Institute of Management Sciences against order dated 22/04/2019 in Appeal No. 1161/2016 of the State Commission West Bengal. Petitioner: Managing Director, Gaurav Institute of Management Sciences, Midnapur Centre, West Bengal. Respondent: Tarun Kumar Das, son of Govind Chandra Das, resident of Vidyasagarpur village, West Bengal.*

**Court's Opinions:**

*Repeatedly called out the matter, none appeared for the petitioner (para 1). Petition pending since 2019, perusal shows petitioner has not filed respondent's set, therefore notice could not be issued (para 2). Order dated 04/01/2023 directed petitioner to file respondent set in 2 weeks to enable issuing notice, matter listed on 25/04/2023 (para*

2). On 25/04/2023 again respondent set not filed, allowed 3 more weeks to file set and issue notice, listed on 04/09/2023 (para 3). On 30/10/2023 when taken up, none appeared for petitioner, office report shows respondent set still not filed (para 4). Seems matter not being pursued properly, appears to be a case of non-prosecution, petition dismissed for non-prosecution (para 4). However, in interest of justice, if petitioner feels aggrieved by order, they may move application for recall of order and restoration along with filing respondent set (para 5).

**Arguments by Parties:**

None made any arguments since petitioner remained unrepresented

**Sections:**

No sections cited

**Cases Cited:**

No cases cited

**Referred Laws:**

No laws referred

In summary, this Revision Petition filed in 2019 by Gaurav Institute against the State Commission's order has remained pending since then without requisite action from petitioner's side, leading to its dismissal for non-prosecution in the interest of justice while keeping window open for appropriate recall application by petitioner. The detailed order discusses the repeated opportunities provided to petitioner for filing the respondent set which could enable further proceedings but non-compliance has led to the current dismissal order.

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Court

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**Full Text of Judgment:**

1.Repeatedly called out. None appears for the petitioner.

2.The petition is pending since 2019. Perusal of the record indicates that petitioner has not filed respondent's set and, therefore, notice

could not be issued. Order dated 04.01.2023 may be quoted in this regard herein below:

As per Office report, the Petitioner has not filed the Respondent set and, therefore, notice could not be issued. Let it be filed within two weeks, where-after the Registry shall issue notice to the Respondent, returnable on 25.04.2023. List on 25.04.2023. Interim Order to continue.

3.Matter was next taken up on 25.04.2023. However, the situation remained the same as respondent's set was still not fled. Order dated 25.04.2023 may be quoted in this regard herein below:

As per Office report, the Petitioner has not filed the Respondent's set and, therefore, notice could not be issued. Let it be filed within three weeks, where after the Registry shall issue notice to the Respondent, returnable on 04.09.2023. List on 04.09.2023.

4.Today again when the matter has been taken up none appears on behalf of the petitioner. Neither learned counsel nor proxy counsel nor anybody else appeared on behalf of the petitioner. The office report dated 30.10.2023 indicates that respondent's set has still not been filed. It appears that the matter is not being pursued in right earnest. It appears to be a case of non-prosecution. The petition is dismissed in non-prosecution.

5.However, in the interest of justice it may be observed that if the petitioner is interested in pursuing the matter in right earnest with due diligence and feels aggrieved by this Order it may move appropriate application for recall of Order and restoration of petition in accordance with law while filing the respondent's set along with it.

6.The Registry is requested to send a copy each of this Order to all parties in the petition and to the learned counsel for the petitioner. The stenographer is requested to upload this Order on the website of this Commission immediately.