

Party Name : RABINDRA CH. PAL Vs UNION OF INDIA & ANR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D.K. Biswas, learned counsel appearing for the writ petitioner who has filed this petition for extension of time, as stipulated in paragraph 18 of the judgment and order dated 22.01.2015 delivered in W.P.(C) No.35/2010. It has been averred in the paragraph 4 of this petition as under :

“That after the certified copy was obtained on 18.03.2015, the counsel advised the petitioner to do the needful in terms of the direction contained in paragraph 18 as stated hereinabove. But by that time, the time frame prescribed by the Hon’ble Court had expired. Yet the petitioner made an attempt by filing the certified copy along with all the necessary documents mentioned in the judgment. But in view of the limitation of 30 days prescribed by the Hon’ble Court having expired, the petition was rejected by the Assistant Commissioner. The rejection was communicated by his letter dated 01.04.2015.”

The petitioner has further contended that due to the said communication gap as stated in paragraph 4 of this petition, the petitioner could not take advantage of the said judgment and order dated 22.01.2015.

Mr. Biswas, learned counsel has urged this court to condone the delay in approaching the Assistant Commissioner, Customs Division, Agartala, West Tripura, the respondent No.2 or in filing this petition. Further, it has been contended that lapse is wholly unintended. The substantive ends of justice may not be allowed to be eclipsed thus.

From the other side, Mr. S. Acharjee, learned counsel appearing for the respondent No.2, has pointed out that even this petition for extending the time has been filed after the expiry of that stipulated time, which represents the gross lackadaisical approach of the petitioner. Having regard to the submissions made by the learned counsel appearing for the parties, this court is of the view that merely on the technical reason the prayer for extension of time may not be rejected.

Accordingly, if the petitioner files the appropriate claim petition with proper documentation as provided in the paragraph 18 of the judgment and order dated 22.01.2015 delivered in W.P.(C) No.35/2010 within 30(thirty) days from today, the Assistant Commissioner, Customs Division, Agartala, West Tripura, shall consider that claim petition on merit. In future, no petition for extension of time will be entertained by this court under any circumstance.

With this observation and direction, this petition stands allowed and accordingly it is disposed of.