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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 11273 of 2021
(Via Video Conference)**

**Debaprasad Mahato @ Debaprosad Mahato
-versus
The State of West Bengal & Ors.**

**Mr. Dipayan Kundu.
...For the Petitioner.**

**Mr. Susovan Sengupta,
Ms. Supriya Dubey.
...For the Respondents.**

The petitioner is aggrieved by the order dated 26th March, 2021 passed by the District Controller, Food & Supplies, North 24-Parganas in his appeal preferred against the order of the Sub-Divisional Controller, Food & Supplies, Barasat, communicated to the petitioner by a Memo dated 5th May, 2021.

The order is an appealable one.

However, the petitioner submits that the impugned order dated 26th March, 2021 was served upon the petitioner long after the prescribed period of limitation of 30 days.

It has been submitted that the impugned order was communicated by a Memo dated 5th May, 2021 and in view of the pandemic situation, the petitioner could not approach the second appellate authority within the prescribed period of limitation.

The Hon'ble Supreme Court by an order dated 27th April, 2021 took cognizance for extension of period of limitation in Miscellaneous Application No. 665 of 2021 in SMW (C) No. 3/20 and clarified that the period from 14th March, 2021 till further orders shall stand excluded in computing the period of limitation prescribed under any law.

The said order has been passed in exercise of the powers under Article 142 read with 141 of the Constitution of India and has a binding precedence.

In view of the aforesaid order of the Hon'ble Supreme Court, the petitioner shall be entitled to apply before the second appellate in accordance with law.

The second appellate authority being the Director, District Distribution Procurement and Supply shall consider the appeal of the petitioner at the earliest, but positively within a period of eight weeks from the date of filing the same.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of the writ application to the Director which shall be treated as the second appeal of the petitioner.

The instant writ petition is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)