

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 545 of 2021**

M/s Suresh Kumar Agrawal Main Road Bishrampur, P.S. Balrampur, P.O. And Tahsil Bishrampur, District Surajpur, Chhattisgarh (A Proprietorship Firm) Through Its Proprietor Suresh Kumar Agrawal, S/o Late Ram Kumar Agrawal, Aged About 65 Years, R/o Rama Life City, A/32, Mungeli Road, In Front of Jain International School, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant**Versus**

1. South Eastern Coal Field Limited Seepat Road , Bilaspur, District Bilaspur, Chhattisgrh, Through Chairman-Cum-Managing Director, South Eastern Coalfield Limited Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh
2. South Eastern Coal Field Limited, Seepat Road , Bilaspur, District Bilaspur, Chhattisgrh, Through General Manager (Civil)/ H.O.D., South Eastern Coalfield Limited Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh
3. South Eastern Coal Field Limited Hasdev Area, South Jhagrakhand, District Korea, Chhattisgarh Through General Manager Hasdev Area, South Eastern Coalfield Limited, South Jhagrakhand, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondents

(Cause-title taken from Case Information System)

For Applicant	: Mr. Prasoon Agrawal, Advocate
For Respondents	: Ms. Astha Sharma, Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri N. K. Chandravanshi, Judge****Order on Board****Per Arup Kumar Goswami, Chief Justice****03.12.2021**

Heard Mr. Prasoon Agrawal, learned counsel for the applicant. Also heard Ms. Astha Sharma, learned counsel appearing for the respondents.

2. MCC No. 489/2021 is an application for restoration of First Appeal No.349/2016.

3. By an order dated 06.04.2021, three weeks' time was granted to make good the default, failing which, it was indicated that the appeal shall stand dismissed automatically without further reference to the Court and as no steps were taken to cure the defects, the appeal came to be treated as dismissed for non-prosecution.
4. It is submitted by Mr. Prasoon Agrawal, learned counsel for the applicant that defect pointed out by the Registry was in connection with non-submission of the paper-book. He submits that because of normal functioning of the Court being stopped from 16.04.2021, steps could not be taken for filing the paper-book and as a result, the appeal came to be treated as dismissed due to non-compliance of the peremptory order on 06.07.2021.
5. Ms. Astha Sharma, learned counsel appearing for the respondent submits that though it is not averred in the petition that normal functioning of the High Court was stopped from 16.04.2021, it is a fact that High Court was not functioning from 16.04.2021 due to Covid-19 pandemic for a considerable period of time.
6. Mr. Prasoon Agrawal submits that paper-book is prepared and he can file the same during course of the day.
7. Having regard to the above, the order dated 06.07.2021 is re-called. The F.A. No.349/2016 is restored to its original number.
8. The appellant will file the paper-book positively by 08.12.2021.
9. MCC stands disposed of.
10. Registry will list the appeal for hearing in the month of February, 2022.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(N.K. Chandravanshi)
Judge