

15.05.2023
Ct. No.7
S/L No.1
KS

W.P.A. 2740 of 2008
With
IA No. CAN 1 of 2018(Old No. CAN 4965 of 2018) [not in file]
+
CAN 3 of 2023
+
CAN 4 of 2023
Ashim Kumar Das
-Vs.-
The State of West Bengal & Ors.

Mr. Arup Banerjee
Mr. Arun Kumar Saha
.....For the Petitioner
Mr. B. Basu Mallick
Mr. S. Das
.....For the State

In Re.: CAN 4 of 2023

1. This is an application for condonation of delay of 330 days in preferring the application for recalling and/or modification of the order dated 1st March, 2022 passed in W.P.A. No.2740 of 2008.
2. After going through the explanation given in the affidavit in support of the application under Section 5 of the Limitation Act, this Court is of the considered view that the reasons are not fully satisfactory. However,

since the learned advocates for the respective parties advanced argument on merit, the delay in filing such application is hereby condoned.

3. Accordingly, the application being CAN 4 of 2023 stands allowed.

In Re.: CAN 3 of 2023

4. This is an application for recalling and/or modification of the order dated 1st March, 2022. The order was passed after hearing the learned advocates for the respective parties and after considering the materials on record as well as the decisions of the Hon'ble Supreme Court and this Court.
5. It has been submitted by the learned advocate appearing for the applicant that the relevant notification operating in the field was not taken into consideration. The learned advocate who has filed this instant application did not appear when the writ petition was heard and disposed of. The practice of filing an application for review and/or recalling by change of counsel has been strongly deprecated. That apart, the learned advocate for the applicant seeks to reargue the writ petition in the garb of review, which is also not permissible.

6. In view thereof, this Court does not find any reason to recall and/or modify the order dated 1st March, 2022 on the grounds indicated in the application being, CAN 3 of 2023.
7. The application being, CAN 3 of 2023 stands dismissed without however any order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)