

Item No.8.

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 29.09.2022

DELIVERED ON:29.09.2022

CORAM:

**THE HON'BLE MR. JUSTICE T. S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE SUPRATIM BHATTACHARYA**

**M.A.T. No.1095 of 2021
With
I.A. No.CAN 1 of 2021 (not found)
With
I.A. No.CAN 2 of 2021 (not found)**

**Commissioner of Customs (Preventive), W.B. & Anr.
Vs.
Allied ICD Services Limited & Ors.**

Appearance:-

**Mr. Uday Shankar Bhattacharya,
Mr. Bhaskar Prosad Banerjee**

..... for the appellants.

**Mr. K. Thakur,
Mr. Debangshu Ghatak**

.... for the respondents.

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, J.)

1. An application has been filed to condone the delay of 351 days in filing the instant appeal.
2. We have heard Mr. Uday Shankar Bhattacharya, learned counsel appearing for the appellants duly assisted by Mr. Bhaskar Prosad Banerjee, learned Advocate and Mr. K. Thakur, learned counsel appearing for the respondents.
3. We are satisfied with the reasons assigned in the affidavit filed in support of the application. Accordingly, the delay in filing the instant appeal is condoned.
4. The application for condonation of delay is allowed.

Re: M.A.T. NO.1095 of 2021

5. Reference may be made to the order dated 7th December, 2021, which reads as follows:-

"After hearing the matter for a considerable length of time, we found that no useful purpose would be made. If the appeal is kept pending since already the writ petition has been directed to be listed for final disposal on 10.12.2021. That apart the interim order is directed to run till 24.12.2021 in the reasoned order passed by the learned Single Judge dated 26.11.2021 while fixing

the date for final hearing of the writ petition. The court has made it clear that continuation of the interim order shall subject to payment of current dues payable by the writ petitioner by 29.11.2021.

We have suggested the learned counsel for the Revenue who has been instructed to appear in the matter that the appeal can be disposed of with an observation that the writ petition can be argued by the learned counsel for the parties. However, the learned counsel for the Revenue is unwilling to accept the suggestion submitting that another appeal on the same issue is pending, that needs to be adjudicated. But he is not inclined to cooperate for disposal of the matter.

List the matter after 18 weeks from date.”

6. We have heard Mr. Uday Shankar Bhattacharya, learned counsel appearing for the appellants duly assisted by Mr. Bhaskar Prosad Banerjee, learned Advocate and Mr. K. Thakur, learned counsel appearing for the respondents.

7. It is submitted by the learned Advocate appearing for the appellants that the writ petitions are still pending and to be heard by the learned Single Bench.

8. Considering the fact that the interim order has been in force for a long period, we are not inclined to interfere with the same.

9. Accordingly, the appeal along with the connected application are dismissed leaving it open to the appellants to canvass all points in the pending writ petitions.

10. There shall be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM, J)

I agree,

(SUPRATIM BHATTACHARYA, J.)

NAREN/PALLAB (AR.C)