

29 29.2.2024
Sc Ct. no.22

WPA 8610 OF 2015
with
I.A. No. CAN 1 OF 2023
(Application for condonation of delay)
with
I.A. No. CAN 2 OF 2023
(Application for restoration/
recalling)

Sri Vivekananda Das

-vs.-

State of West Bengal & Ors.

Md. Sarwar Jahan
Ms. Saswati Ghosh Roy
Ms. Tapati Sarkar.

..... For the Petitioner

Mr. Manas Kundu
Mr. Pasupati Sana.

.... For the State

Re : I.A. No. CAN 1 OF 2023

This is an application for condonation of delay for about **153 days** though mentioned in the prayer of the application Md. Sarwar Jahan, learned counsel appears for the petitioner in his usual fairness submits, it is more than that and about 186 days in filing the application for restoration of the writ petition, which was dismissed on **May 17, 2023**.

Averment in the application shows that, there was really no laches on the part of the petitioner. Sufficient

cause being made out as to why the petitioner was prevented from applying for restoration within time.

Mr. Manas Kundu, learned counsel appears for the State respondent.

After hearing the submissions made on behalf of the parties and upon considering the materials on record and also for the ends of justice that, substantial justice shall not be denied for procedural laches, that too, if the laches cannot be attributed to the petitioner, the delay stands **condoned** subject to payment of a cost of Rs.2000/- (Rupees two thousand only) in favour of the benevolent fund of the Bar Association, Calcutta.

On the above terms this application, **I.A. No. CAN 1 of 2023** stands allowed.

I.A. No. CAN 2 OF 2023

This is an application for restoration of the writ petition which was dismissed for default on **May 17, 2023**.

Sufficient cause being made out in this application and in view of the order passed in **I.A. No. CAN 1 of 2023** and also for the ends of justice, the order of dismissal of the writ petition dated **May 17, 2023** stands **recalled** subject to payment of cost as indicated in the order passed in **I.A. No. CAN 1 of 2023**. The writ petition shall be **restored** to its original file with number.

Accordingly, ***I.A. No. CAN 2 of 2023 stands allowed.***

(Aniruddha Roy, J.)