

Item-1. 08-12-2023
sg Ct. 8

FAT 180 of 2022
CAN 1 of 2023
CAN 2 of 2023
CAN 3 of 2023

State of West Bengal.
Versus
Rajpath Contractors & Engineers Ltd.

Mr. Anirban Ray, Id. GP
Mr. Arka Nag, Adv.
Mr. A. Mondal, Adv.
Ms. Dipa Bhattacharya, Adv.
...for the State
Mr. Priyankar Saha, Adv.
Ms. Srijani Mukherjee, Adv.
...for the respondent

In Re: CAN 2 of 2023

1. This is an application for recalling of the order dated 23rd June, 2023 along with the prayer for condonation of delay. Although the learned Counsel for the parties have submitted that the appeal and the applications are assigned to this Bench. The order of assignment dated 1st December, 2023 only specifies CAN 2 of 2023 and accordingly, we are deciding CAN 2 of 2023 only.
2. There is a delay in presenting the memorandum of appeal.
3. The application for recalling was filed on 11th October, 2023 that is CAN 2 of 2023 although an application for recalling of the order was filed separately on 17th July, 2023.
4. On 23rd June, 2023, we dismissed the appeal due to non-appearance as well as on the ground of limitation as the memorandum of appeal was not accompanied by any application for condonation of delay.

5. The petitioner has sufficiently explained the delay of seven days in presenting the memorandum of appeal. In view of the fact that the application for recalling of the order dated 23rd June, 2023 was filed within the period of limitation and that reason for non-appearance has been sufficiently explained and also having regard to the fact that the delay of seven days in presenting the memorandum of appeal has also been sufficiently explained, we allow CAN 2 of 2023. CAN 2 of 2023 is disposed of.
6. The application for recalling, that is, CAN 2 of 2023 has been assigned to this Bench in view of the order passed by the Division Bench presiding over by Hon'ble Justice I.P. Mukherji. This recalling application is required to be heard by this Bench and accordingly, the appeal and the other applications are wrongly appearing in the list and are released from our list.
7. The appeal shall be registered if it is otherwise in order.
8. CAN 1 of 2023 and CAN 3 of 2023 are wrongly printed in the cause list as the said applications have not been assigned to this Bench.

(Uday Kumar, J.)

(Soumen Sen, J.)