

30.11.2023
Item No.8
Ct. No.1
PG/KS

MAT 1768 of 2023
With
IA No. CAN 1 of 2023
With
CAN 2 of 2023
The State of West Bengal & Anr.
Vs.
Bond Construction, a Partnership Firm & Ors.

Md. T. M. Siddiqui, Ld. A.G.P.
Mr. T. Chakraborty
.....For the Appellants
Mr. Atarup Banerjee
Mr. Rajdeep Pramanik
.....For the Respondent No.1

In Re. IA No. CAN 1 of 2023

1. We have heard Md. T. M. Siddiqui, learned Additional Government Pleader appearing for the appellants and Mr. Atarup Banerjee, learned advocate appearing for the respondent/writ petitioner.
2. There is delay of 27 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
3. Accordingly, I.A. No.CAN 1 of 2023 is allowed and the delay in filing the appeal is condoned.

In Re. MAT 1768 of 2023

4. This intra-Court appeal by the State is directed against the order dated 19th July, 2023 in W.P.A. No.16426 of 2023. By the said order, the writ petition filed by the respondent herein was allowed and a

direction was issued to the respondent no.2 viz., the Additional Secretary, Department of Tribal Development to disburse the funds to the respondent no.6 viz. the District Magistrate and Collector, Malda in the writ petition for payment to the writ petitioner within a time frame.

5. Md. T. M. Siddiqui, learned Additional Government Pleader appearing for the appellants submitted that the appropriate authority, who is to disburse the amount is Secretary, Backward Classes Welfare Department and, therefore, the direction issued upon the other respondents would not be feasible of compliance.
6. Considering the limited grievance expressed, we modify that portion of the order passed by the learned Single Bench by directing the Secretary, Backward Classes Welfare Department to effect payment to the respondent/writ petitioner within four weeks from the date of receipt of server copy of this judgment.
7. No costs.
8. 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)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)