

19 18.12.2023  
AN Ct. No. 08

MAT 2341 of 2023  
With  
IA No. CAN 1 of 2023; CAN 2 of 2023

Bhaskar Dewanji  
vs.  
State of West Bengal & ors.

Ms. Ambiya Khatun  
Ms. Sangeeta Chakraborty  
... for the appellant

Ms. Tapati Samanta  
... for the State

We have heard learned counsel for the parties at length.

We have perused the affidavit filed in support of the application for condonation of delay and we are satisfied that sufficient cause have been shown in preferring the instant appeal. Hence, the delay in filing the appeal is condoned and the application for condonation of delay is allowed.

We are at a loss to appreciate why this appeal has been preferred. The grievance of the petitioner was adequately redressed by the learned Single Judge in the order dated 14.12.2022. Under such circumstances, we do not find any reason to interfere with the impugned order passed by the learned Single Judge.

It is submitted on behalf of the appellant that the respondent no. 6 has not issued any notice of hearing. The impugned order was passed on 14.12.2022 and the appeal was filed on 01.12.2023 with a prayer for condonation of

delay in absence of the Board. We are sure whether any notice was at all issued or the Board has taken any decision in this regard in the meantime. However, since we are of the view that the order passed by the learned Single Judge adequately takes care of the grievances, learned counsel for the appellant has submitted that the appellant has not replied to the enquiry report dated 09.04.2019 within the period stipulated in the said order and this could be the reason for the Board being unable to proceed with the matter. We extend the time to file the report positively within two weeks from date and the time line set by the learned Single Judge in the order dated 14.12.2022 should be counted from that date for completion. In the event, the appellant fails to give reply to the said report within the aforesaid time, there will be no requirement for Board to proceed with the matter and the order passed by the learned Single Judge dated 14.12.2022 and this order shall automatically stand recalled and appropriate steps shall be taken against the appellant in accordance with law.

In view of the above, both the instant appeal and application stand disposed of.

**(Uday Kumar, J.)**

**(Soumen Sen, J.)**