

07 02.04.2024
AN Ct. No. 01
RP

MAT 194 of 2024
with
IA No. CAN 1 of 2024

State of West Bengal & ors.
Vs.
M/s. Rungta Projects Limited & Ors.

Mr. A. Ray, Id. Sr. Adv,
Mr. T. M. Siddiqui
Mr. T. Chakraborty
Mr. S. Sanyal

... For the Appellants

Mr. Avra Mazumder
Mr. Sumit Gadodia
Mr. Samrat Das

... For the Respondents

1. We have heard learned counsel for all the parties elaborately.

2. This is an appeal preferred by the State of West Bengal against the order and direction passed in WPA 19007 of 2021 dated 08.12.2021. By the said order, the writ petition was disposed of following the judgment dated 06.12.2021 passed in WPA 5306 of 2021 in the case of Tata Steel Limited vs. State of West Bengal.

3. There is a delay of 717 days in filing the appeal. We have perused the condone delay petition and we find that the reasons given therein will not be sufficient to hold the same to be sufficient cause for not preferring the appeal within the period of limitation. The delay being unexplained and inordinate, we would have been well justified in dismissing the application for condonation of delay. However, taking note of the fact that the decision

rendered in Tata Steel Limited was affirmed by the Division Bench by judgment dated 06.12.2021 and the Special Leave Petition was filed against the said decision withdrawn by the State of West Bengal, we exercise discretion and condone the delay in filing the appeal. As noted above, the issue involved in this appeal is squarely covered up by the decision in MAT 709 of 2023 dated 09.01.2024. The application for condonation of delay is thus, disposed of.

4. Thus, following the said decision, the appeal filed by the State stands **dismissed**.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)