

30.04.2024
32
PG/sayandeep
Ct. No.1

**M.A.T. 314 of 2024
With
CAN 1 of 2024
with
CAN 2 of 2024
Director of Fisheries
Versus
Pradip Kumar Mondal**

Mr. Suman Sengupta
Ms. Amrita Panja Moullick
..... for the appellant

Mr. Sujit Banerjee
Mr. Niloy Sengupta
.....for the respondent

In Re: CAN 1 of 2024

1. We have heard Mr. Suman Sengupta, learned advocate appearing for the appellant.
2. There is a delay of 230 days in filing the appeal. We have perused the affidavit filed in support of the petitioner and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation. CAN 1 of 2024 is allowed and the delay in filling the appeal is condoned.

In Re: MAT 314 of 2024

1. This appeal by the State is against an interim order dated 25.05.2023. The State is guilty of not complying with the direction issued by the learned Single Judge in as much as the affidavit-in-opposition has not been filed within the time permitted by the Court. Therefore,

if the appellant wants to file an affidavit-in-opposition, they have to seek leave of the learned writ Court and seek extension of time without which the affidavit-in-opposition will not be accepted. Furthermore, we note that the impugned order was passed about one year back and the writ petitioner was permitted to partake in future tender process without prejudice to the pendency of the matter. It is not clear as to why the State has taken almost a year to pursue this appeal. In any event, the learned Single Bench has recorded certain reasons which we find not to be wholly perverse for us to interfere with the discretion exercised by the learned Single Bench.

2. Accordingly, the appeal and the connected application (CAN 2 of 2024) stand dismissed.
3. No costs.
4. 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.)