

02. 08.02.2024
Court No.6
(Tanmoy)

MAT 179 of 2019

**Sri Gopal Krishna Kundu
-Versus-
State of West Bengal & Ors.**

**With
IA No: CAN/1/2020 (Old No: CAN/1671/2020)
With
IA No: CAN/2/2021 (not in file)**

Mr. Partha Pratim Roy, Adv.,
Mr. Dyutiman Banerjee, Adv.

...for the appellant.

Mr. Soumitra Bandyopadhyay, Adv.,
Mr. Aniruddha Sen, Adv.

...for the State.

Ms. Manika Roy, Adv.,
Ms. Shinjita Ray, Adv.

...for NHAI.

Learned Advocate for the National Highways
Authority of India (NHAI) draws our attention to an order
dated February 24, 2021, which reads as follows:-

“It appears from the report of the Stamp Reporter that there has been a delay of about 23 days in preferring the appeal. No application for condonation of such delay has been filed.

On repeated occasion the appellant was absent at the time of call.

In such view of the matter, the Stamp Reporter is directed to return the memorandum of appeal to the learned Advocate of the appellant.

The appeal shall not be treated ‘pending’ in the docket of this Court.”

In view of the aforesaid, the present appeal must be treated to have been disposed of.

Learned Advocate for the appellant says that an application has been filed for condonation of delay of twenty three (23) days. However, we fail to understand in what proceedings such application has been filed since as per the order of the co-ordinate Bench extracted above, no proceeding can be treated to be pending as on date.

(Arijit Banerjee, J.)

(M.V. Muralidaran, J.)