

10.06.2024
Item No.56
gd/ssd

MAT/341/2023
IA NO: CAN/1/2023, CAN/2/2023
STATE OF WEST BENGAL AND ANR.
VS
GANDHI BAGDI AND ORS.

Mr. Md. Galib,
Ms. Munmun Tewary
..for the Appellants.

Mr. Susanta Pal
..for the Respondents/Writ
Petitioners.

Re: CAN 1 of 2023

1. CAN 1 of 2023 has been filed by the appellants seeking condonation of delay of 220 days in filing this appeal.

2. Learned counsel for the appellants has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellants were prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 1 of 2023 is, accordingly, allowed. The delay in filing the appeal is condoned.

Re: MAT 341 of 2023

5. This intra court appeal by the State is directed against the order dated 17.06.2022 in WPA 8489 of 2021 by which there is a direction to pay the ex gratia amount to the writ petitioners along with interest at the rate of 6% per annum within a time frame failing which along with interest at the rate of 9% per annum.

6. The State is on appeal contending that on similar issues when the matter travelled up to the Division Bench in MAT 2093 of 2022 by judgment dated 18.01.2023 the rate of interest was fixed at 8% per annum.

7. Thus, in order to ensure parity in all such cases, the order and direction issued by the learned Single Bench is modified by directing the appellants to pay each of the writ petitioners' interest at the rate of 8% per annum on the total amount payable to them within a period of eight weeks from the date of receipt of the server copy of this order.

8. With the above direction, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)