

20.02.2024
Item No.42
gd/ssd

FMA/63/2024
IA NO: CAN/1/2023
SADHAN GHOSH
VS
STATE OF WEST BENGAL AND ORS.

Mr. Baibhav Roy
..for the Appellant.

Md. T.M. Siddiqui,
Mr. T. Chakraborty,
Mr. S. Sanyal
..for the State.

1. This intra court appeal is directed against the order dated 14.03.2023 by which the writ petition filed by the appellant challenging the order passed by the appellate authority dated 28.11.2022 was dismissed.

2. The appellate authority dismissed the appeal filed by the appellant on the ground that there was a delay.

3. After elaborately hearing the learned advocates for the parties and carefully perusing the materials placed on record, we find that the delay is only 66 days and it is not inordinate delay. Furthermore, the explanation which has been offered by the appellant by way of submission before this court appears to be convincing.

4. In any event, the delay not very inordinate and also taking note of the fact that an appeal remedy

is valuable right, the appeal should be heard on merits and shall not be rejected on the ground of technicalities.

5. For the above reason, the appeal is allowed and the order passed in the writ petition is set aside and the writ petition is allowed and the order passed by the appellate authority dated 28.11.2022 is set aside and the appeal is restored to the file of the appellate authority and the appeal be heard and disposed of on merits and in accordance with law after affording an opportunity of hearing to the authorised representative of the appellant.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)