

28.8. 2025
item No.19
n.b.
ct. no. 24

WPA 9271 of 2011

with

CAN 2 of 2024

+

CAN 3 of 2025

Sri Bijoy Kumar Maji

Vs.

Eastern Coalfields Ltd. & Ors.

Mr. Md. Z. Rahaman,

.... For the petitioner.

Mr. Pradipta Basu,

Ms. Madhumanti Chakraborty,

..... for the respondent.

In Re. CAN 3 of 2025

This is an application under Section 5 of Limitation Act for contonation of delay of 33 days.

Learned counsel for the petitioner submits that actually the day i.e. October 8, 2024 is the last day before Puja Vacation of the said year. Due to urgency of filing other matters, learned counsel for the petitioner missed the list. Accordingly, he could not appear before the co-ordinate Bench on the date i.e. October 8, 2024 wherein the matter was called on. He submits that after the matter was dismissed for default, he came to know about the order during that period Puja Vacation continues, he could not file the application for restoration during vacation. Finally, he filed the application on December 12, 2024. He submits that

period when the Court was on vacation, limitation also shall not run, so there is no delay. However, he filed the application for condonation of delay to avoid the complexity. He further submits that there are no intentional latches on behalf of the learned counsel for the petitioner to do the matter. The pleadings have already been completed, the matter is otherwise ready for hearing. The matter is required to be restored.

Having heard learned counsel for the parties, it appears to me that the grounds mentioned in the application being CAN 3 of 2025 appears to be sufficient. Accordingly, the delay in preferring the instant application being CAN 2 of 2024 be hereby condoned.

Under the above observation, the application being CAN 3 of 2025 be disposed of.

In Re. CAN 2 of 2024

This is an application for restoration of recalling of an order dated October 8, 2024. This court has already condoned the delay in preferring the instant application by disposing of CAN 3 of 2025. Accordingly, CAN 2 of 2024 is also considered and allowed. The order passed by a Co-ordinate Bench on October 8, 2024 is hereby recalled. The writ petition being WPA 9271 of 2011 is restored to its original file and number.

Accordingly, CAN 2 of 2024 is disposed of.

It appears that the matter is ready for hearing, let the matter be fixed for hearing in the second week of November 2025.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)