

09.09.2024
Item No.3
gd/ssd

MAT/1261/2023
WEST BENGAL STATE ELECTRICITY DISTRIBUTION
COMPANY LIMITED
VS
SUREKHA MODERN RICE MILL PRIVATE LIMITED
AND ORS.
IA NO: CAN/1/2023, CAN/2/2023

Mr. S. S. Koley
..for the Appellant.

Mr. Amritam Mandal,
Ms. Ananya Chakraborty,
Ms., Sipra Naskar
..for the Respondents.

1. This intra court appeal by the appellant is directed against the order dated 13.03.2023 in WPA 17828 of 2019.

2. The appeal has been filed beyond the period of limitation and there is a delay of 85 days in filing this appeal.

3. Under normal circumstances, the court would exercise the discretion and condone the delay as it is only 85 days. But, however, we have taken note of the conduct of the appellant in the manner in which they have proceeded to pursue this appeal.

4. The order passed by the learned Single Bench is dated 13th March, 2023 and the appeal was presented before this court on 6th July, 2023 but

without an application under Section 5 of the Limitation Act to condone the delay.

5. This application in CAN 1 of 2023 was filed subsequently.

6. On perusal of the application we find that the only reason which has been stated by the appellant is in paragraph 9.

7. On going through the said paragraph we find that the averments to be completely vague, bereft of any particulars and details.

8. The reason for moving the appeal at this juncture by the appellant is on account of the fact that the contempt application has been entertained by the learned Single Bench and the matter was heard and there was a direction issued to be filed affidavit in the writ petition by the appellant.

9. It is only thereafter the appellant appears to have taken steps to move this appeal before this court.

10. In any event the appellant which is wholly a Government company having not explained the delay, we are inclined to exercise any discretion.

11. Accordingly, the application for condonation of delay is dismissed and the appeal stands rejected.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)