

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 30.09.2024

DELIVERED ON: 30.09.2024

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNAM
AND
THE HON'BLE MR. JUSTICE BIVAS PATTANAYAK**

M.A.T. 1794 of 2024

**The Superintendent, ESI Hospital, Kalyani
Versus
M/s. Rupa Enterprises & Ors.**

With

M.A.T. 1853 of 2024

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I.A. No. CAN 1 of 2024

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CAN 2 of 2024

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CAN 3 of 2024

**M/s Sonar Bangla Caterer
Versus
M/s Rupa Enterprises & Ors.**

Appearance:-

**Ms. Sumita Shaw
Mr. Swapan Banerjee
Mr. Debottam Das**

.....For the Appellant (M.A.T. 1794 of 2024)

**Mr. Sagar Bandyopadhyay
Ms. Soma Kar Ghosh
Ms. S. Paul**

.....For the Appellant (M.A.T. 1853 of 2024)

**Ms. Sumita Shaw
Mr. Swapan Banerjee
Mr. Debottam Das**

.....For the Respondent No.6 (M.A.T. 1853 of 2024)

Mr. Saptangshu Basu, Sr. Adv.

Mr. Swarup Paul
Mr. S. Maity
Mr. Guru Saday Dutta
Mr. Anish Roy

.....For the Respondent No.1

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. These intra-Court appeals are directed against an interim order dated 19th July, 2024 passed in WPA 18136 of 2024. The appeals are time barred and there is an application for condonation of delay and the respondents/writ petitioners would oppose the prayer for condonation of delay and, in fact, seek leave to file an affidavit.
2. We have perused the order impugned in these appeals and we find that the learned Single Bench has given certain reasons for granting the interim order and the order impugned was passed on July 19, 2024 and has been in force till date. Therefore, it will not be just and proper to disturb the said position at this juncture, especially when the appeals are time-barred.
3. The grievance of the appellants is that though the writ petition was directed to appear on August 9, 2024, the matter is gone out of the list.
4. Since the learned Single Bench has assigned certain reasons for exercise of discretion, which is not shown to be either arbitrary or perverse, we are not inclined to interfere with the impugned order.
5. Accordingly, the appeals and the connected applications are dismissed.
6. Let the writ petition be listed before the concerned Bench on 5th November, 2024.

7. By then, the parties shall complete their pleadings and the appellant in M.A.T. 1853 of 2024 is granted leave to implead themselves in the writ petition.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(BIVAS PATTANAYAK, J.)

Pallab/KS AR(Ct.)