

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

05      20.11.2024  
Sc      Ct. no.2

**WPA 6081 OF 2020  
With  
I.A. No. CAN 3 OF 2022  
With  
I.A. No. CAN 2 OF 2022**

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Sri Biman Chandra Pal  
Vs.

The State of West Bengal & Ors.

Mr. Sanjib Das  
Mr. Kanak Kiran Bandyopadhyay  
Mr. Madhusudan Mukhopadhyay  
Mr. Buddhadev Bhunia  
Mr. Sk. Abul Hasan

.... For the Applicant/  
Petitioner

Mr. Susovan Sengupta  
Mr. Subir Pal.

.... For the State

Ms. Tapasi Sinha Palit

.....For the Respondent  
No.8/UOI

Mr. Dipankar Das

.....For the Respondent  
No.9/NHAI

**Re :    I.A. No. CAN 3 OF 2022**

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Affidavit-of-service, filed in Court today, is taken on  
record.

This is an application seeking condonation of delay  
for about **159 days** in applying for restoration of the writ  
petition.

Mr. Sanjib Das, learned advocate appears for the  
applicant/petitioner.

Mr. Susovan Sengupta, learned State counsel appears for the respondents State.

Ms. Tapasi Sinha Palit, learned advocate appears for the respondent no.8, Union of India.

Mr. Dipankar Das, learned advocate appears for the respondent no.9, NHAI.

The writ petition was dismissed for default on **June 22, 2022**. Upon perusing the cause shown in the application it appears to this Court that, sufficient cause has been made out as to why the petitioner was prevented from in applying for restoration within time, the delay stands condoned. Inasmuch as, substantive justice shall not suffer for procedural laches.

The respondents make their submissions.

In view of the above, this application, **I.A. No. CAN 3 of 2022** stands **allowed**, without any order as to costs.

**Re : I.A. No. CAN 2 OF 2022**

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This is an application for restoration of a writ petition which was dismissed for default on **June 22, 2022**. The application for restoration was taken out on **December 16, 2022**.

In view of the order passed in **I.A. No. CAN 3 of 2022** and since sufficient cause has been made out in

this application, the order of dismissal dated ***June 22, 2022*** stands ***recalled***.

The writ petition stands restored to its original file with number.

Accordingly, ***I.A. No. CAN 2 of 2022*** stands ***allowed*** without any order as to costs.

**(Aniruddha Roy, J.)**