

D/L.8.  
December 10, 2025.  
MNS.

SAT No. 112 of 2025  
+  
CAN 1 of 2025  
+  
CAN 2 of 2025

The State of West Bengal  
Vs.  
Sri Paban Chandra Pramanik and others

Mr. Susovan Sengupta, Sr. Govt. Adv.,  
Mr. Subir Pal

... for the appellant.

Mr. Partha Chakraborty,  
Mr. Fazlul Haque,  
Mr. Jyotirmoy Bhattacharjee,  
Mr. R. Dutta Gupta

...for the respondents.

Re : CAN 1 of 2025 (condonation)

1. The present application for condonation of delay in preferring the Second Appeal is in respect of a delay which has been stated by the Additional Stamp Reporter to be of 356 days, but mentioned in the application for condonation of delay by the appellant-State as 503 days.
2. However, even going by the lesser number, we find that no explanation worth the name has been given in the application for the delay in preferring the appeal.
3. Learned Senior Government Advocate, appearing for the State, seeks to argue that one Mr. Supratim Dhar was engaged as an Advocate to conduct the Second Appeal in the month of November, 2023, in which month, the concerned

Officer-in-Charge (Law) / Additional Land Acquisition Officer-in-Charge of the matter was superannuated.

4. It is further contended by learned Senior Government Advocate that while adjudicating condonation applications, the court ought to adopt a liberal approach. It is also submitted that the Second Appeal itself has sufficient merits, which ought to be considered at the time of adjudicating the condonation application. Learned Senior Government Advocate submits further that the appellant is agreeable to pay costs as a condition for the condonation application to be allowed.

5. In support of his contentions, learned Senior Government Advocate cites a Division Bench judgment of this Court rendered in the matter of *The State of West Bengal and others Vs. Port Sramik Co-operative Enterprise Ltd. And another (MAT No. 1447 of 2017)*.

6. Learned Senior Government Advocate also relies on *Maniben Devraj Shah v. Municipal Corporatopn of Brihan Mumbai*, reported at (2012) 5 SCC 157.

7. Learned counsel for the respondents submits that no plausible explanation has been given for the huge delay in preferring the appeal.

8. It is pointed out that the court has been sought to be misled in paragraph no. 15 of the condonation application, where it has been stated that the concerned Law Officer in charge of the matter had been superannuated in November, 2023. However, the impugned judgment of the First Appellate Court was itself passed on December 19, 2023, that is, much thereafter. Hence, it could not be that an Officer in Charge

was entrusted to prefer the present Second Appeal even before the impugned judgment was passed.

9. Learned counsel for the respondents, in support of his contentions, cites 2025(1) *Indian Civil Cases* 753 (S.C.) [*State of Madhya Pradesh Vs. Ramkumar Choudhary*], 2024(4) *Indian Civil Cases* 783 (S.C.) [*Union of India and another Vs. Jahangir Byramji Jeejeebhoy (D) through his LR*] and 2022(1) *Indian Civil Cases* 759 (S.C.) [*Majji Sannemma @ Sanyasirao Vs. Reddy Sridevi and others*].

10. It is contended by citing the said judgments that inaction or lack of *bona fides* on the part of the appellant cannot be liberally construed where there is clear negligence on the part of the appellant in occasioning the delay in preferring an appeal. Moreover, it was observed that even if the limitation may harshly affect the rights of a party but it has to be applied in its rigour when prescribed by statute. Negligence, lack of *bona fides* and inaction cannot be any justified ground for condoning the delay.

11. It is further contended that the Hon'ble Supreme Court held in the said judgments that the merits of the main matter cannot be looked into prior to the appellant crossing the hurdle of condonation of delay.

12. We find substance in the contention of the respondents.

13. In the application for condonation of delay, in paragraph no. 11, it has been categorically stated that the impugned judgment and decree of the First Appellate Court was passed on December 19, 2023.

14. It is stated in paragraph no. 12 that concerned officials of the appellant “at that point of time” intimated the copies of the judgment and decree as well as the records to the higher authority, that is, Officer-in-Charge (Law) and Additional Land Acquisition Officer, North 24-Parganas and also placed all relevant records before him for taking appropriate steps regarding that.

15. In paragraph no. 13, it is stated that the Law Officer opined for preferring a Second Appeal, that too, subject to the approval of the higher authority. Further, it is stated that the learned Government Pleader, Barasat, was contacted for seeking his opinion.

16. In paragraph no. 14 of the condonation application, it is boldly stated that the entire file along with the opinion formed by the then Officer-in-Charge (Law) was placed before the Special Land Acquisition Officer and in turn, the Additional District Magistrate (LA) took into consideration such proposal and the same was sent to the District Magistrate, North 24-Parganas for his proposal and approval was granted in the month of April, 2024, as per records.

17. Surprisingly, in paragraph no. 15, it is stated that “at the material point of time” the learned Advocate, Mr. Supratim Dhar, was engaged for preferring the instant Second Appeal on behalf of the State of West Bengal. It is further stated that, however, “at the material point of time” that is in the month of November, 2023, the then Officer-in-Charge (Law) was superannuated and afterwards was again re-employed and directed by the higher authority to officiate the

same post of Land Acquisition (Law Cell) and Additional Land Acquisition Officer of the appellant herein.

18. In paragraph no. 16, it is stated that the said Mr. Supratim Dhar, Advocate, was 'over burdened', since he was appointed in various cases where the State was involved and that there was a vacuum near about four months for making necessary arrangements as well as giving proper instructions to the said learned Advocate, for which the said learned Advocate was not in a position to prepare the draft of the Memorandum of Appeal as well as connected applications.

19. However, the present appeal has been filed only on May 8, 2025, that is much thereafter. The State does not explain the reason for the "vacuum" in making necessary arrangements and giving instructions to the learned Advocate who was engaged.

20. More importantly, a drastic misstatement has boldly been made in paragraph no. 15 of the application. It has been stated that "at the material point of time", which has been specified to be the month of November, 2023, not only the said Mr. Supratim Dhar was engaged for preferring the instant Second Appeal but that the concerned Officer-in-Charge (Law) who was entrusted to prefer such appeal was superannuated. However, surprise upon surprise, the judgment of the First Appellate Court which has been impugned in the present Second Appeal itself was passed on December 19, 2023, that is, even after Mr. Dhar and the Officer-in-Charge (Law) were allegedly entrusted to prefer the appeal. This is a prime example of putting the cart before the horse, where the Officer-

in-Charge (Law) and the concerned Advocate apparently were engaged to prefer an appeal against a judgment which had not yet seen the light of day when the entrustment occurred. Such palpable and gross misstatement is strongly deprecated by this Court.

21. The *mala fides* in filing the present application is, thus, evident.

22. We find from the application that no explanation at all has been given for the prolonged delay of about a year in preferring the appeal.

23. The reliance of the State on the judgments cited by it are also misplaced in view of the latest judicial opinion on the subject of condonation of delay.

24. The State/appellant relies on a coordinate Bench judgment of this Court in *Port Sramik Co-operative Enterprise Limited (supra)*, where the said Division Bench had observed that caution was sounded by the Supreme Court in respect of the impersonal machinery and the inherited bureaucratic methodology imbued with the note-making, file pushing and passing-on-the-buck ethos resulting in belated presentation of appeals by the State.

25. The Division Bench also observed that in the said case, when there was no gross negligence or deliberate inaction or lack of *bona fides*, the delay was condoned.

26. However, as opposed to the said case, in the present case we find not only lack of *bona fides*, but also utter negligence, which is totally unexplained, and over and above the same, the *mala fide* attempt to mislead the court by giving

false dates which could not be evidently correct in the light of the above observations rendered by us.

27. The State has also relied on *Maniben Devraj Shah (supra)*, where the Hon'ble Supreme Court had itself observed, *inter alia*, that even though a liberal and justice-oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost.

28. It was also held that what colour the expression "sufficient cause" would get in the factual matrix of a given case would largely depend on the *bona fide* nature of the explanation.

29. The Hon'ble Supreme Court went on to observe that no premium can be given for total lethargy or utter negligence on the part of the officers of the State and/or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest.

30. Again, in the case of *State of Madhya Pradesh (supra)*, the Hon'ble Supreme Court categorically observed, by relying on its previous judgment in the matter of *Jahangir Byramji (supra)*, that the Court was not going to look into the merits of the matter as long as it was not convinced that sufficient cause

has been made out for condonation of such a long and inordinate delay. Such observation categorically takes care of the submission of the State in the present appeal before us that the Second Appeal has substantial merits, which has to be factored in while considering the condonation of delay.

31. Going forward, the Supreme Court further observed in *Ram Kumar Choudhary* (supra) that if the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. While considering the plea for condonation of delay, the court must not start with the merits of the main matter but owes a duty to first ascertain the *bona fides* of the explanation offered by the parties seeking condonation.

32. It was observed by the Hon'ble Supreme Court that due to callous and lackadaisical attitude on the part of the officials functioning in the State machinery, the delay occurred cannot be simply brushed aside. It was also held that that the Government adopts systematic approach in handling the legal issues but due to the fault on the part of the officials in merely communicating the information on time, huge revenue loss would be caused to the Government exchequer. The Supreme Court thus directed the State to streamline the machinery touching the legal issues, offering legal opinion, etc.

33. We find a reflection of the same view in *Jahangir Byramji* (supra), which was also considered in *Ramkumar Choudhary's* case.

34. In *Majji Sannemma* (supra) the Hon'ble Supreme Court, while relying on its previous judgment in *Basawaraj and another Vs. Special Land Acquisition Officer* reported at (2013) 14 SCC 81, observed that the expression "sufficient cause" cannot be liberally interpreted if negligence, inaction or lack of *bona fides* is attributable to the parties and that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by Statute.

35. It was further observed that if in case a party has acted with negligence, lack of *bona fides* or there is inaction then there cannot be any justified ground for condoning the delay even by imposing conditions. It was observed that each application for condonation of delay has to be decided within the framework laid down by the court and that if courts start condoning the delay where no sufficient cause is made out by imposing conditions, then that would amount to violation of statutory principles and utter disregard to the legislature.

36. In view of the above observations, we are of the opinion that no explanation whatsoever has been made out in the condonation application in the present case; rather, an attempt to mislead the court has been made in the application as discussed above, which reeks of mala fides.

37. We cannot also be oblivious of the age old maxim that the State cannot be considered to be a favoured litigant over the citizens of the State.

38. Proceeding from such premise as well, we do not find any reason whatsoever to condone the delay in preferring the Second Appeal.

39. Accordingly, CAN 1 of 2025 is dismissed on contest. Consequentially, SAT No. 112 of 2025 is dismissed as time-barred.

40. The connected application, being CAN 2 of 2025, stands consequentially dismissed as well.

41. There will be no order as to costs.

(Supratim Bhattacharya, J.)      (Sabyasachi Bhattacharyya, J.)