

12..09.2025
Item No.15
BR

**WPA 16256 of 2007
with
CAN 3 of 2025
CAN 4 of 2025**

**M/s. Debdip Rubber Work (P) Ltd.
Vs
Employees Provident Fund Organisation & Ors.**

Ms. Sangita Jangra,
Ms. Sabina Khatun,
Ms. Payel Neogi
... for the petitioner

Mr. Mihir Kundu
... for the P.F.Authority

Affidavit-of-service filed be kept with the
record.

In re : CAN 3 of 2025

Affidavit-of-service filed be kept with the
record.

IA CAN 3 of 2025 is moved by the learned
counsel for the petitioner praying for condonation of
delay in filing the restoration application being CAN 4
of 2025.

Learned counsel for the Respondents/RPF
Authority raises strong objection regarding the prayer
for restoration on condoning the delay. The petitioner
submits that as the present case is a writ application,
the period of limitation in such a case being three
years.

The Calcutta High Court in ***Orient Paper
Industries Ltd.-vs- Union of India and Ors.,
reported in 1983 SCC Online Cal 324***, has held that

for the purpose of restoration of a writ petition since dismissed for default, Article 137 clearly applies and the period of limitation is three years.

In ***The Kerala State Electricity Board, Trivandrum –vs- T.P. Kunhaliumma, reported in (1976) 4 SCC 634***, the three Judge Bench of the Hon'ble Supreme Court has held that Article 137 of the Limitation Act will apply to any petitioner's application filed under any act before a Civil Court.

In ***Allahabad Bank –vs- M.L.Bose & Co (Pvt.) Ltd. & Anr., reported in 2004 SCC Online Cal 677***, the Calcutta High Court's Division Bench has held that Rule 53 of the Rules of the High Court under Article 226 of the Constitution make the Civil Procedure Code wherever possible, applicable to proceedings under Article 226 of the Constitution. Article 137 which is the residuary provision deals with an application of all kinds for which no specific provision has been made and as such has held that Article 137 is applicable to proceedings under Article 226 of the Constitution.

Considering the grounds as made out, the judgments referred herein and in the interest of justice, the application for condonation of delay is allowed on the delay being condoned.

IA No. CAN 3 of 2025 stands disposed of.

In re : CAN 4 of 2025

CAN 4 of 2025 is moved by the learned counsel for the petitioner praying for restoration of the writ petition which was dismissed for default on 11.08.2023.

Considering the grounds as made out and in the interest of justice, the restoration application being CAN 4 of 2025 is allowed. Order dated 11.08.2023 is hereby recalled. Writ petition being WPA 16256 of 2007 is restored to its original file and number.

I.A. No. CAN 4 of 2025 stands disposed of.

Later

As the learned counsel for the answering respondent is present, the writ application is taken up for hearing.

Learned counsel appearing for the respondent has placed a document dated 16.07.2023 before this Court, wherein it appears that the outstanding dues as per RRC has been recovered in full by the Recovery Officer.

Let the document be made part of the record.

The said fact has been admitted by the petitioner.

The petitioner now prays for withdrawal of the attachment notice and order issued by the respondent no. 7 to the Bank which was attached as per order dated 17th May, 2007.

Considering that all dues have already been recovered by the respondent authorities, the Bank attachment vide order dated 17th May, 2007 be also withdrawn with immediate effect.

Writ application is accordingly disposed of.

Parties to act on the server copy of this order.

(Shampa Dutt (Paul), J.)