

18th August,
2025
(AK)
17-18

F.M.A. 1336 of 2024
IA No: CAN 4 of 2025

Messers J.K. Overseas Private Limited
Vs.
The Kolkata Metropolitan Development Authority and
others

With
F.M.A. 1342 of 2024
IA No: CAN 2 of 2025

Messers J.K. Overseas Private Limited
Vs.
The Kolkata Municipal Corporation and others

Mr. Haradhan Banerjee
Md. Nurul Haque
Mr. Nilmani Das
...for the appellant.

Mr. K.J. Yusuf
Ms. Munmun Ganguly
...for the State-respondents.

Ms. Piyali Sengupta
Ms. Debangana Dey Nayak
...for the KMC.

Mr. Satyajit Talukder
Mr. Arindam Chatterjee
...for KMDA.

1. The receipts of service filed in court today be kept on record.
2. Heard learned counsel for the parties.

3. The two applications, bearing CAN 4 of 2025 in connection with FMA 1336 of 2024, and CAN 2 of 2025 in connection with FMA 1342 of 2024, have been filed for restoration of the said two appeals and connected applications, which were dismissed for default by a common order dated April 30, 2025.
4. The limitation period of thirty days for filing a restoration application expired on or about May 30, 2025, during the Summer Vacation of this court.
5. The Summer Vacation ended on June 8, 2025 and the applications were filed on the very next working day, that is, on June 9, 2025.
6. As such, the applications were filed within time.
7. Upon perusing the averments made in the applications, we find that sufficient reason for the absence of the appellant on the relevant date, that is, the illness of the learned Advocate for the appellant, has been made out.
8. Accordingly, CAN 4 of 2025 in connection with FMA 1336 of 2024 and CAN 2 of 2025 in connection with FMA 1342 of 2024 are allowed, thereby recalling the order dated April 30, 2025 and restoring FMA 1336 of 2024 as well as FMA 1342 of 2024, along

with the connected applications, to their original files and numbers.

9. Liberty to the parties to mention the main matters before the appropriate Division Bench having determination.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)