

WPO/55/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

M/s. SPECTRUM CLINIC AND
ENDOSCOPY RESEARCH INSTITUTE
AND ANR.

-VERSUS-

THE EMPLOYEES STATE INSURANCE
CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA DUTT (PAUL)
Date : 27th February, 2025.

Appearance:

Mr. Subhasis Dey, Adv.
Mr. Amit Chatterjee, Adv.
Mr. Victor Mukherjee, Adv.
.... for the petitioner.

Mr. Dipak Ranjan Mukherjee, Adv.
...for the respondent.

The Court: The present writ application has been preferred against an order dated 10th December, 2024 wherein the authority concerned has informed the petitioner herein that the appellate authority has rejected his appeal as the same was received after the expiry of 60 days from the date of receiving the speaking order.

On hearing the learned counsels for both the parties and considering the materials on record, it appears that the order appealed against is dated 16th September, 2024. As per the documents filed by the petitioner, service upon the owner of the establishment was received on 27th September, 2024. From the track report the learned counsel for the respondent shows that the item was also

delivered on 27th September, 2024. As to how the endorsement shows the item was delivered on 30th September, 2024 is not substantiated by the documents of the postal department. There, thus, appears to be a delay of about one day.

Considering the said fact, the delay of one day is hereby condoned and in the interest of justice the order dated 10th December, 2024 is set aside. The appellate authority is directed to hear the appeal on merits, in accordance with law. On hearing the parties, a reasoned order will be passed within 60 days from the date of communication of this order.

Accordingly, WPO/55/2025 stands disposed of.

Pending adjudication by the appellate authority, the proceedings before the Recovery Officer shall remain stayed till disposal of the appeal.

(SHAMPA DUTT (PAUL), J.)