

07.01.2026
Ct. No. 30
S.L. No. 13
Piya

WPA 27776 of 2025

**Murlidhar Ratanlal Exports Limited
Versus
The State of West Bengal & Ors.**

Mr. Soumya Majumdar, sr. adv.
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Ms. Ayushi Mishra
.....for the petitioner

Mr. Pinaki Bhattacharya
.....for the State

Mr. Bipin Ghosh
..... for the respondent no. 4 & 5

Mr. Bikash Shaw
Mr. Sk. Saad Islam
.....for the respondent no. 6

In Re: WPA 27776 of 2025

- 1.** Affidavit of service file be kept with the record.
- 2.** The writ application has been preferred challenging an order dated 20th July, 2021 passed by the Controlling Authority and an order dated 22nd December, 2022 and 28th July, 2023 passed by the appellate authority in appeal and review respectively and order dated 27th August, 2025 passed by the Certificate Officer, Hooghly.
- 3.** It appears that the appellate authority vide its order dated 22.12.2024 has dismissed the appeal, from the order of the Controlling

Authority **on the ground of limitation**, on the following findings:-

“In their condonation of delay petition the appellant mentioned the order dated 10.01.2022 of the Hon’ble Supreme Court wherein the Hon’ble Court directed that the period from 15.03.2020 to 28.02.2022 shall stand excluded for the purposes of limitation. And in the event the actual balance period of limitation remaining, w.e.f. 1.3.2022 is greater than 90 days, that longer period shall apply.

*Now in the instant case, the appellant preferred appeal on 29.08.2022 challenging the order dated 20.07.2021 of the controlling authority. So we have, 31 days in March, 2022, 30 days in April, 2022, 31 days in May, 2022, 30 days in June, 2022, 31 days in July, 2022 and 28 days in Aug, 2022. Adding **all these we get 181 days which is beyond the scope of condonation as prescribed u/s 7(7) of the Act.**”*

4. Now considering the grounds as made out for the delay in preferring the appeal, it appears that the order of the controlling authority was passed on 20th July, 2025.

5. It further appears that the appellate authority excluded the period till 28.02.2022 while computing the period of limitation.

6. **Section 7(7) of the Payment of Gratuity Act, lays down:-**

“Section 7.

.....

(7) Any person aggrieved by an order under sub-section (4), may, within sixty days from the date of the receipt of the order, prefer an appeal to

the appropriate Government or such other authority as may be specified by the appropriate Government in this behalf:

Provided that the appropriate Government or the appellate authority, as the case may be, may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days.

[Provided further that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant either produces a certificate of the controlling authority to the effect that the appellant has deposited with him an amount equal to the amount of gratuity required to be deposited under subsection (4), or deposits with the appellate authority such amount.]”

7. The petitioner states that certified copy of order dated 20th July, 2021 was applied for but finally without getting the certified copy, the appeal was preferred on 29.08.2022, as a certificate proceeding was initiated (as stated in Para 18).
8. On perusal of the petition of appeal, it appears that the petitioner did not state anything about the delay in receiving the certified copy of the order of the controlling authority or that appeal had to be filed without waiting for the certified copy.
9. No such case was made out before the Appellate Authority. It is for the first time that the said point has been raised in the present writ application.
10. In the present case, there is a **delay of 181 days**. Delay up to 120 days can be condoned

by the Appellate Authority for sufficient cause/reasons shown. **But in this case there is a delay of 60 days beyond the said 120 days.**

11. The document at page 42/49 relates to the application Form 'U' for certified copies filed in respect of the order of the appellate authority and not for certified copy of the order of the controlling authority against which the appeal had been preferred beyond the period of limitation.

12. So no documents to support the statement of the petitioner at Para 18 has also been filed before this Court, and as such this Court, without sufficient cause being shown is also not in a position to condone the delay in preferring the appeal.

13. The order under challenge thus being in accordance with law requires no interference.

14. The writ application stands dismissed.

15. Certificate Officer to proceed expeditiously in accordance with law in the certificate proceedings.

16. WPA 27776 of 2025 is dismissed.

17. All connected application, if any, stands disposed of.

18. Interim order, if any, stands vacated.

- 19.** Urgent Photostat certified copy of this Order, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

[Shampa Dutt (Paul). J]