

MAT/2170/2025
WITH
CAN/1/2025
WITH
CAN/2/2026

VARUN FINANCE CORPORATION
VS.
STATE OF WEST BENGAL AND ORS.

Mr. Prabhat Kr. Srivastawa, Adv.
Ms. Arunima Hala, Adv.
Ms. Ankita Singh, Adv.

...For the Appellant

Ms. Jhuma Chakraborty, Sr. Govt. Adv.
Mr. Gourav Das, Adv.

...For the State

Dictated by **Sujoy Paul, CJ.**

In Re: CAN 2 of 2026

1. Parties are represented through their respective learned counsel.
2. Affidavit-of-service filed is taken on record.
3. Report filed by State is taken on record as well.
4. Heard on CAN 2 of 2026 seeking condonation of delay of 102 days.
5. The applicant in CAN stated on account of medical contingency in her family she could not come to affirm this petition. Thereafter, there was Puja Vacation. Immediately thereafter, present appeal has been filed. The delay is unintentional and *bona fide*. Thus, delay may be condoned.

6. Learned counsel for State did not raise any objection on the condonation of delay.
7. We have heard the parties on this aspect, in our opinion, the delay is *bona fide* and unintentional. The delay has been properly explained and in our view, 'sufficient cause' has been shown.
8. Resultantly, CAN 2 of 2026 is allowed and delay is condoned.
9. **CAN 2 of 2026** is, accordingly, **disposed of**.

In Re: MAT 2170 of 2025

10. This intra-court appeal is directed against the order of learned Single Judge dated 31st July, 2025, whereby WPA 16540 of 2025 was disposed of.
11. The principal argument of learned counsel for the appellant/writ petitioner was that the petitioner is seeking mandamus for complying with the order dated 15th February, 2025, passed in G.R. No.3355 of 2016 by learned Additional Chief Judicial Magistrate, Sealdah.
12. On a specific query from the Bench, learned counsel for appellant fairly admitted that the court which has passed the said order dated 15th February, 2025, in G.R. No.3355 of 2016 is competent and equipped with the power to execute its own order.

13. In view of the matter, we are not inclined to entertain this petition and deem it proper to grant liberty to the appellant/writ petitioner to apprise the competent court about non-compliance of its order by filing appropriate application.
14. Learned counsel for the State submits that the vehicle in question was sold in e-auction on 29th April, 2022, pursuant to the order of learned Additional Chief Judicial Magistrate, Sealdah, dated 12th July, 2021. However, this fact was not brought to the notice of the Writ Court.
15. Considering the aforesaid, while disposing of this appeal by reserving liberty to the appellant to approach the same court for execution of the order dated 15th February, 2025, we deem it proper to observe that it will be open to the Police/State to apprise the said court about the status of the vehicle.
16. With aforesaid, the **intra-court appeal** is **disposed of**.
17. Accordingly, **CAN 1 of 2025** is also **disposed of**.

(SUJOY PAUL, C.J.)

(PARTHA SARATHI SEN, J.)