

OD-3

APOT/208/2024
WITH AP/1114/2014
IA No.GA/1/2024
GA/2/2024
GA/3/2025
GA/4/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Original Side

M/s. ECI ENGINEERING AND
CONSTRUCTION CO. LTD.

-VERSUS-

UNION OF INDIA AND ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE PARTHA SARATHI SEN
Date : 2nd January, 2026

Appearance:
Ms. Apple Mughali Jimo, Adv.
for the appellant.

The Court :- In the first call nobody appeared for the parties.

In the second call prayer for adjournment is sought for.

None appears for the respondent.

Prayer for adjournment is on the basis of the learned Advocate on Record not being available. No further cause is shown. We are informed that, apart from the learned advocate-on-record there is a learned counsel engaged in the matter.

We are unable to accept such cause as sufficient. No adequate cause for their absence before us is put forward.

We requested the learned advocate for the appellant to proceed with the hearing of the appeal. She is unable to do so.

Re: IA No. GA/2/2024 : GA/2/2024 is an application seeking condonation of delay in making and filing the appeal.

Department reports that, there is a delay of 72 days. Appellant seeks to explain such delay on the basis of the time taken for the purpose of obtaining a legal advice and taking appropriate resolution in the Board of Directors of the appellant. Moreover, the delay is sought to be explained on the basis of the advocate-on-record taking time for the purpose of giving legal advice as also preparing and filing the appeal.

Such causes are accepted as sufficient and the delay of 72 days is condoned.

Accordingly, IA No.GA/2/2024 is allowed.

Re: IA No.GA/3/2025: This is an application seeking amendments to the application for condonation of delay.

Amendments being formal in nature, are allowed.

There will be an order in terms of prayers (a) and (b) of IA No.GA/3/2025.

Department will incorporate the amendments within a fortnight from date.

Accordingly, IA No.GA/3/2025 is disposed of.

Re: IA No.GA/4/2025: This is an application seeking amendment to the application for stay of the impugned order.

Amendments being formal in nature, are allowed.

There will be an order in terms of prayers (a) and (b) of IA No.GA/4/2025.

Department will incorporate the amendments within a fortnight from date.

Accordingly, IA No.GA/4/2025 is disposed of.

Re: APOT/208/2024 & IA No.GA/1/2024 : We find from the records that, the appeal is directed against an order dated January 30, 2024 by which an application made on behalf of the appellant was dismissed by the learned Single Judge.

From the impugned order we find that, the original application being AP/1114/2014 was dismissed for default with costs assessed at 1000 Gms. An appeal was carried by the appellant against the order dated August 1, 2014. The appeal court reduced the costs and directed the same to be paid.

Appellant, thereafter filed the application being IA No.GA/3/2023 before the learned single Judge. By such application the appellant sought reliefs with regard to the original application.

Learned Single Judge found that, IA No.GA/3/2023 was filed approximately a decade after the order dated November 27, 2014. Learned Single Judge also found that the reduced costs, as directed by the appeal Court by the order dated November 27, 2014, was also not paid.

In such circumstances, learned Single Judge found the application being IA No.GA/3/2023 to be misconceived and not maintainable.

Learned Single Judge held that the appellant was seeking to revive an application which stood dismissed for default in 2014.

Noting is placed before us to establish that the impugned order is perverse. Our attention is not drawn to any evidence establishing compliance with the order of the Appeal Court.

In such circumstances, we find no merit in the present appeal.

APOT/208/2024 is dismissed without any order as to costs. Accordingly, IA No.GA/1/2024 stands disposed of.

(DEBANGSU BASAK, J.)

(PARTHA SARATHI SEN, J.)

A/s.