

ITEM NO.35

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 3804/2017

(Arising out of impugned final judgment and order dated 23/11/2016 in MAT No. 1336/2016 passed by the High Court Of Calcutta)

STATE OF WEST BENGAL & ORS.

Petitioner(s)

VERSUS

GAUTAM KUMAR DUTTA & ANR.

Respondent(s)

(with interim relief and office report)

Date : 13/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Sankar Ch. Ghosh, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Rudra Dutta, Adv.
Mr. Parijat Sinha, Adv.

For Respondent(s) Mr. Pijush K. Roy, Adv.
Mr. Narayan Mondal, Adv.
Ms. Kakali Roy, Adv.
Mr. Rajan K. Chourasia, Adv.

UPON hearing counsel the Court made the following
O R D E R

The petitioners are aggrieved by the order dated 23.11.2016 passed by the High Court in M.A.T. No. 1336 of 2016.

As rightly pointed out by the learned counsel, the main discussion in the impugned Judgment is with regard to the delay caused in filing the appeal before the High Court. The delay was only of 82 days.

Having gone through the pleadings, we are of the view that, taking note of the fact that it was the State which was in appeal and taking note of the explanation, the delay, in the

interests of justice, should have been condoned. But having regard to the fact that the issue, in principle, is covered by the Judgment of this Court dated 06.03.2014 in Civil Appeal Nos. 6967-6970 of 2009, we are not inclined to set aside the impugned order and send back the matter to the High Court for consideration on merits.

In that view of the matter, the Special Leave Petition is dismissed.

However, the adverse observations, if any, against the Officer(s) are expunged.

Pending interlocutory applications, if any, stand disposed of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar