



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No.1797 of 2022**

*State of Odisha and others*

.... *Appellants*

*Mr. Siba Narayan Biswal,  
Additional Standing Counsel*

*-versus-*

*Bulu Iringai*

.... *Respondent*

*Mr. Ramakrishna Bisoi, Advocate*

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**JUSTICE SANJAY KUMAR MISHRA**

**ORDER**

**17.04.2026**

**I.A. No.4218 of 2022**

**Order No.**

- 07.
1. This matter is taken up through hybrid mode.
  2. Objection to the I.A. filed by the Respondent in the Court is taken on record.
  3. This is an application for condonation of delay of 417 days in filing the Writ Appeal as pointed out by S.R.
  4. Mr. Biswal, learned Additional Standing Counsel appearing for the Appellants submits that the order in WPC(OA) No.1268 of 2015 was passed on 01.10.2021. Thereafter, the Appellant No.2 vide his letter dated 09.12.2021 transmitted the copy of the impugned order to the Appellant No.1 seeking necessary instruction in the matter. Due to intervention of the pandemic of COVID-19, no step could be taken in the matter. However, the Appellant No.1 after examining the proposal, referred the same to the Law Department on 06.10.2022 for obtaining their views. The Law



Department on consideration of the proposal, vide letter dated 19.11.2022 intimated the office of learned Advocate General to prefer an Appeal against the order passed in WPC(OA) No.1268 of 2015. Accordingly, the Memorandum of Appeal was prepared on 15.12.2022 and it was filed on 22.12.2022.

5. It is submitted by Mr. Biswal, learned Additional Standing Counsel that the delay in filing the Appeal is *bona fide* and not intentional. The period up to 30<sup>th</sup> May, 2022 should be excluded from the period of limitation in view of the order passed by Hon'ble Supreme Court in cognizance of extension of limitation, reported in (2022) 3 SCC 117. As such, the delay in filing the Writ Appeal be condoned and the same be heard on merit.

6. Mr. Bisoi, learned Counsel for the Respondent vehemently objects to the grounds taken by the Appellants for condonation of delay. By filing an objection of the Respondent, Mr. Bisoi, learned Counsel submits that even after exclusion of the period of COVID-19, there is a delay of 266 days in filing the Writ Appeal. Further, the impugned order was passed on 01.10.2021 but the Appellant No.2 stated to have transmitted the copy of the said judgment only on 09.12.2021 to the Appellant No.1 seeking necessary action. Thus, it appears that due to sheer negligence and laches of the Appellants, the delay in filing the Writ Appeal occurred. Due to pendency of the Writ Appeal, the Respondent is deprived of enjoying the fruit of the impugned order. Hence, he prays for dismissal of the petition for condonation of delay and in consequence, dismissal of the Writ Appeal.



7. Taking note of the submissions made by learned Counsel for the parties, this Court finds that there is delay on the part of the Appellants in availing necessary instruction/sanction for filing the Writ Appeal. Due to administrative delay, the Respondent should not suffer.

7.1. However, taking into consideration that the Appellants want to raise some relevant grounds in assailing the order passed in WPC(OA) No.1268 of 2015, this Court feels that the Writ Appeal should be heard on merit by condoning the delay.

8. Accordingly, the delay in filing the Writ Appeal is condoned subject to payment of costs of Rs.20,000/- (Rupees twenty thousands) to the Respondent or his learned Counsel within a period of two weeks hence.

9. Accordingly, the I.A. is disposed of.

***(K.R. Mohapatra)***  
***Judge***

***(S.K. Mishra)***  
***Judge***

**W.A. No.1797 of 2022**

08. 1. On payment of costs and producing proof thereof, the Writ Appeal shall be listed on 13<sup>th</sup> May, 2026.

***(K.R. Mohapatra)***  
***Judge***

***(S.K. Mishra)***  
***Judge***