

2609
2025
FRIDAY

Court : MB-07
Item : AD-06
Status : DC-OR-SG
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10601 OF 2022
CAN 1 OF 2025
CAN 2 OF 2025

KOLKATA WOMEN'S CLINIC
represented by
DIRECTOR, DR. PARTHA RANJAN DAS
VS.
THE STATE OF WEST BENGAL & ORS.

MR. DIBYENDU CHATTERJEE, ADVOCATE
MS. SATABDI DAS, ADVOCATE
MR. MAINAK SINGHA BARUA, ADVOCATE
MR. SUNANDA CHATTERJEE, ADVOCATE

.....for the Petitioner

MR. RAJDEEP PRAMANIK, ADVOCATE (ONLINE)

.....for the Respondent No. 4

MS. AMRITA PANJA MOULICK, ADVOCATE

.....for the State

CAN 1 OF 2025

1. This is an application for condonation of delay in preferring the application for restoration being CAN 2 of 2025.
2. Having heard the learned advocate appearing for the petitioner and upon perusal of the materials on record, I am satisfied with the explanation offered for the delay, as 'sufficient cause' existed which prevented the petitioner from preferring the application for restoration.
3. Accordingly, the application for condonation of delay being **CAN 1 of 2025 is allowed.**

CAN 2 of 2025

4. Having heard the learned advocates appearing for the respective parties and upon perusal of the materials on record, I am satisfied with the explanation offered for the absence of the learned Advocate for the petitioner on 18.07.2025, when the writ petition was dismissed for default.
5. Accordingly, the application being **CAN 2 of 2025 is allowed.**
6. The order dated **18.07.2025 is recalled.**
7. **WPA 10601 of 2022 is restored** to its original file and number.

WPA 10601 OF 2022

8. Supplementary affidavit filed on behalf of the petitioner is taken on record.
9. Mr. Chatterjee, learned Advocate representing the

petitioner, submits that the petitioner is a doctor specializing in In-Vitro Fertilization and Surrogacy. The private respondent no. 3 approached him with the intention of having a baby through the surrogacy process. He submits that the petitioner applied his expertise and diligence to make the process a success. However, ultimately, it did not succeed due to health issues faced by respondent no. 3. He further submits that this issue was raised before the Commission, but the Commission overlooked the same and mechanically imposed a penalty upon the petitioner.

10. Learned Advocate for the private respondent vehemently opposed such contention.
11. Having heard the learned advocates for the respective parties and upon perusal of the materials on record, I am of the view that the issue raised in this writ petition warrants consideration on merits, and the petitioner has made out a good arguable case.
12. In view thereof, there shall be a stay of operation of the order dated 18.05.2022, passed by the West Bengal Clinical Establishment Regulatory Commission in Complaint Case No. INT/SPG/2022/111, until the end of December 2025 or until further orders, whichever is earlier.
13. List the matter for further consideration on **22.11.2025**.

(PARTHA SARATHI CHATTERJEE, J.)

