

4 01.04.2026

In The High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

Court No. 38
Moumita

RVW 147 of 2021
with
CAN 1 of 2022, CAN 2 of 2022

Mantu Lal Sasmal
Vs.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Haritri Roy
Mr. Anupam Singha
....for the Review Applicant/Petitioner
Mr. Jayanta Samanta, Jr. Govt.
Ms. Paromita Malakar (Dutta)
....for the State

Mr. Subhrangsu Panda, learned advocate
appears for the review applicant/petitioner.

State-respondents are represented through Mr.
Jayanta Samanta, learned advocate.

This is an application under Section 5 of the
Limitation Act, 1963 praying for condonation of delay
in filing the review application being **RVW 147 of**
2021.

RVW 147 of 2021 is along with **CAN 1 of**
2022 is a proceeding for review of an order dated
April 13, 2021.

The review application has been filed on
November 30, 2021. In the application for

condonation of delay in filing the review application, the petitioner has indicated that a delay of 201 days has been occasioned by the petitioner in approaching this Court.

Mr. Panda, learned advocate appearing for the petitioner cites before us the order of the Hon'ble Supreme Court ***"In Re: Cognizance for Extension of Limitation"*** reported at (2020) 19 SCC 10 in support of his contention that delay should be condoned. In the said case, upon noticing the difficulties of litigants during the COVID-19 pandemic, the Hon'ble Supreme Court was pleased to extend the different periods of limitation applicable to various proceedings under various statutes till further orders to be passed by the Hon'ble Supreme Court. Situation was reviewed from time to time and ultimately, by an order dated **January 10, 2022** the Hon'ble Supreme Court directed as follows:

"Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A. No. 21 of 2022 with the following directions:

I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any

general or special laws in respect of all judicial or quasi-judicial proceedings.

II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.

III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.”

In terms the aforesaid order passed by the Hon’ble Supreme Court, the period between **March 15, 2020** till **February 28, 2022** stood excluded for the purpose of computation the period of limitation.

Since the petitioner’s application seeking condonation of delay has been filed on **November 30, 2021** which squarely falls within the period excluded by the Hon’ble Supreme Court by the aforesaid order dated **January 10, 2022**, technically, the review application cannot be said to be delayed. However,

the petitioner has still filed an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay.

Since, the application for review is within time in terms of the order passed by the Hon'ble Supreme Court, **CAN 2 of 2022** is **allowed. RVW 147 of 2021** shall now be heard on merits along **with CAN 1 of 2022**.

List the application for review along with **CAN 1 of 2022** for further consideration on **June 10, 2022**.

Since, the state-respondents are represented, no further notice as regards the hearing of application for review is required to be served.

(Om Narayan Rai, J.)

(Aniruddha Roy, J.)