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09.01.2026  
Ct. No. 11  
rrc

**MAT 1629 of 2024**  
**with**  
**IA No. CAN 1 of 2025**  
**and**  
**IA No. CAN 1 of 2025**  
(The State of West Bengal & Ors. Vs. Biswa Sharma & Ors.)

**Mr. Swapan Banerjee**  
**Mr. Bikash Goswami**

**..... For the appellants**

**Mr. Amar Nath Sen**  
**Mr. Malay Dhar**  
**Mr. Shouvik Naskar**

**..... For the respondents**

**Re: CAN 1 of 2025**

This is an application for condonation of delay.

Upon hearing the learned Advocates appearing for the respective parties and upon perusal of the averments made in the application explaining the delay, we are satisfied that sufficient cause existed which prevented the State and its functionaries from filing the appeal within the period of limitation provided therefor.

Accordingly, the application being CAN 1 of 2025 is allowed, and the delay is condoned.

**Re: CAN 2 of 2025**

This is an application for stay.

Mr. Banerjee, learned Advocate appearing for the appellants, submits that in an appeal registered as MAT 696 of 2024, involving a similar issue, an interim order has been passed staying the direction upon the appellants, with an observation that in the case of *The State of West Bengal & Ors. vs. Mithun Acharyya & Ors.*,

involving an identical issue, the Hon'ble Supreme Court, by an order dated 19th January 2025, directed that "there shall be stay of the impugned orders passed by the High Court," and the said order is still in operation.

He submits that since the issue is pending for consideration before the Apex Court, an interim order is required to be passed staying the operation of the order under challenge in this appeal.

Having heard the learned Advocates appearing for the respective parties and upon perusal of the materials on record, we are of the opinion that since the Hon'ble Supreme Court is in seisin of an identical issue, there shall be a stay of operation of the order under challenge in this appeal till the end of April 2026 or until further orders, whichever is earlier.

The parties are directed to exchange their affidavits in respect of the application for stay in the meantime.

Place the matter for further consideration in the Combined Monthly List of March 2026.

**(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)**