

20.03.2026  
Item No.5  
Court No.11  
KCP

**MAT 2235 of 2025**  
**with**  
**IA No. CAN 1 of 2026**  
**and**  
**IA No. CAN 2 of 2026**

**State of West Bengal**  
**- Versus -**  
**Pradip Kumar Deb alias Pradip Deb & Ors.**

Mr. Arka Kumar Nag  
...for the appellant

Mr. Victor Chatterjee  
Mr. Barnomoy Basak  
Mr. Pramitava Nath  
...for the writ petitioner/respondent

Ms. Lina Majumder  
...for the B.C.K.V.

Mr. Dwijadas Chakraborty  
...for the Union of India

Affidavits-of-service, as filed, be kept on record.

**Re : CAN 1 of 2026**

This is an application for condonation of delay.

Mr. Nag, learned advocate appearing for the appellant/applicant, submits that the delay was neither deliberate nor intentional, but was caused due to circumstances beyond the control of the present applicant.

He submits that the appellant has a fair chance of succeeding in the appeal and that such a meritorious matter ought not to be dismissed on the technical ground of delayed presentation.

He also submits that in another appeal, a similar issue has been raised and a similar order has been challenged. The appeal has been admitted by this Hon'ble Court, and

directions have been given to the parties to exchange affidavits in respect of the application for stay filed in connection with that appeal.

He submits that the issue raised in the said appeal as well as in the present appeal is required to be gone into by this Hon'ble Court, and as such, taking note of this fact, the delay ought to be condoned.

Mr. Chatterjee, learned advocate appearing for the writ petitioner/respondent has left the matter to the discretion of this Court.

As no one appears on behalf of the Union of India, and since Mr. Chakraborty, who usually appears for the Union of India and had represented it before the learned Single Judge, is present, we direct Mr. Chakraborty to appear in this matter on behalf of the Union of India. Let such engagement of Mr. Chakraborty, along with a junior of his choice, be regularized.

Having noted the submissions made on behalf of the respective parties, and upon perusal of the averments in the application explaining the delay, we are satisfied that sufficient cause existed which prevented the appellant from filing the appeal within the period of limitation prescribed therefor.

In view thereof, the application for condonation of delay is allowed. Delay is condoned.

The application for condonation of delay, being CAN 1 of 2026 is thus disposed of.

**Re : CAN 2 of 2026 in MAT 2235 of 2025**

Having heard the learned advocates appearing for the respective parties and upon perusal of the materials on record, we are of the view that this application for stay should be decided after exchange of affidavits by the parties.

In view thereof, the respondents are directed to file affidavit-in-opposition to the application for stay within a period of three weeks. Reply thereto, if any, be filed within a period of two weeks thereafter.

List the matter for further consideration six weeks hence.

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