



IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

IA NO. GA/4/2026
WITH AP/780/2012
In
APOT/10/2025

JAY BHARAT CONSTRUCTION
Vs
UNION OF INDIA

AND

IA NO. GA/5/2026
WITH AP/780/2012
In
APOT/10/2025

JAY BHARAT CONSTRUCTION
Vs
UNION OF INDIA

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date :August 3, 2026.

Appearance:

Mr. SarosijDasgupta, Adv.
Ms. Suranjana Chatterjee, Adv.
...for the petitioner.

Ms. Aparna Banerjee, Adv.
Mr. Sukanta Ghosh, Adv.
...for the respondent.

The Court: Affidavit-in-opposition to the supplementary affidavit filed
in Court be taken on record.

GA/4/2026 is an application for condonation of delay of 414 days in
filing an application for recalling the order dated April 17, 2025.

A Co-ordinate Bench dismissed the appeal for default on April 17,
2025. Restoration application was filed. Appellant sought to explain the



delay in applying for restoration essentially on the ground that, learned Advocate consumed time in making and filing the application for restoration. 2026:CHC-OS:368-DB

We remind ourselves that, we are required to be lenient while considering an application for restoration as also an application for condonation of delay. If plausible causes are shown, the Court should be inclined to accept such causes.

We also remind ourselves of the proposition of law that, a client should not be foisted with the liability of default of any of the Advocates.

In the facts of the present case, we do not find that, the appellant was complaisant in proceeding with the appeal.

The explanation offered being plausible are accepted.

Delay is condoned.

GA/4/2026 is allowed.

Consequently, GA/5/2026 is also allowed.

Appeal is restored to its file and number by recalling the order of dismissal dated April 17, 2025.

GA/4/2026 and GA/5/2026 are disposed of.

List the appeal on August 10, 2026.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)