

ORDER SHEET
IA GA 1 of 2024
WPO/1017/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SPANDAN SALES PRIVATE LIMITED
VS
INCOME TAX OFFICER WARD 5(1) AND ORS.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date: 14th March, 2024.

Appearance:
Mr. Rites Goel, Adv.
...For the Petitioner
Mr. Om Narayan Rai, Adv.
Mr. Soumen Bhattacharjee, Adv.
...for the Respondents

The Court : Heard learned advocates appearing for the parties.

This is an application for revival of the initial interim order dated 18th May, 2023 which was extended on 6th June, 2023 and expired on 31st August, 2023.

Learned counsel appearing for the petitioner submits that the delay in making application for extension of the interim order before the expiry of the same or immediately after expiry of the same was due to fault on the part of learned advocate for the petitioner and for the fault of a lawyer a litigant should not be penalised. This Court does not appreciate the conduct of the learned advocate for the petitioner since there is a serious lapse on his part since once a lawyer is engaged by his client particularly in writ matters it is responsibility of such lawyer to take steps in the matter from time to time and for extension of any interim order and a litigant's instruction is not required for such purpose because no litigant will say that he does not want the extension of the interim order which has already been passed in his

favour. Such plea of instruction of the client by the learned advocate for the petitioner is not acceptable. However, in the interest of justice and on the well-settled principle that for the fault of a lawyer, a litigant should not be made to suffer, this application is allowed by reviving the interim order dated 6th June, 2023 and it shall be continued till 28th June, 2024 or until further order whichever is earlier.

Status-quo as of today shall be maintained with regard to any proceeding subsequent to the expiry of interim order.

Time to file affidavit-in-opposition in the main writ petition is extended by three weeks; petitioner to file reply thereto, if any, within one week thereafter.

List the main writ petition for final hearing in the monthly list of May, 2024.

Accordingly, this application being IA GA 1 of 2024 is disposed of.

(MD. NIZAMUDDIN, J.)

TR/