

OD-4

ORDER SHEET

IA No. GA/6/2021

In

CS/221/2010

IN THE HIGH COURT AT CALCUTTA

Ordinary Original Civil Jurisdiction

ORIGINAL SIDE

CHANDRA PRAKASH JHUNJHUNWALA

VS

THE NUCLEAR POWER

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 4th October, 2021.

[Via video conference]

Appearance:

Mr. Syed Nurul Arefin, Adv.

Mr. R. Upadhyay, Adv.

The Court : This application is for recalling an order passed by this Court on 23rd March, 2021 and for condoning the delay in filing the present application.

Learned counsel appearing for the applicant submits that on the date when the matter was dismissed for default, i.e. 23rd March, 2021, the concerned advocate-on-record was down with Covid and could not attend Court. Learned counsel appearing for the respondent opposes the prayer for recalling on the lack of corroborative evidence.

Upon hearing learned counsel, this Court is of the view that the reasons given for the applicant not being represented on the particular date is not at all sufficient, particularly since the order records that the applicant has not been represented for a number of occasions and was not restricted only to one day.

However, since the applicant wants to contest the proceedings, the order dated 23rd March, 2021 is recalled and the GA No. 5 of 2019 is restored to the list. The applicant shall hence be liable to pay costs which are reasonably assessed at Rs. 20,000/- to be paid to Helpage India within a week from the date when the Court reconvenes in November, 2021 for the delay in making the present application and the lack of sufficient grounds.

GA No. 6 of 2021 is disposed of in terms of this order.

(MOUSHUMI BHATTACHARYA, J.)