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IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

ORIGINAL SIDE

RVWO/21/2022
IA NO: GA/1/2022, GA/3/2026
ARUN SUBBAYA SHETTY
VS
BALMER LAWRIE AND COMPANY LIMITED AND ORS.

BEFORE :
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
And
THE HON'BLE JUSTICE OM NARAYAN RAI
Date : 8th May, 2026

Appearance :
Mr.Soumya Chakraborty, Sr. Adv.
Mr.Debashis Sinha, Adv.
Mr. Triptimoy Talukdar, Adv.
Mr.Rishav Roy, Adv.
Mr.Arpan Majhi, Adv.
...for applicant/petitioner.

Ms. Sonal Shah, Adv.
Ms.Rittika Banerjee, Adv.
...for respondent no.1.

Re : GA/3/2026

The Court : Heard the learned Advocates for the review applicant and the respondent no.1.

Though the Registry pointed out that there is a delay of 839 days in preferring the memorandum of review, this Court finds substance in the argument of Mr. Chakraborty, learned Senior Advocate for the review applicant that they are entitled to the benefit of the order passed by the Hon'ble Supreme Court in Suo Motu Writ Petition

(C) No.3 of 2020. At this stage, it would be relevant to take note of paragraphs 5.3 and 5.4 of the order dated January 10, 2022, which are as hereunder :

“5.3 In cases where the limitation would have expired during the period between 15-3-2020 till 28-2-2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 1-3-2022. In the event the actual balance period of limitation remaining, with effect from 1-3-2022 is greater than 90 days, that longer period shall apply.

5.4 It is further clarified that the period from 15-3-2020 till 28-2-2022 shall also stand excluded in computing the periods prescribed under Sections 23(4) and 29-A of the Arbitration and Conciliation Act, 1996, Section 12-A of the Commercial Courts Act, 2015 and proviso (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.”

Thus, the petitioner will be entitled to the period of limitation of 90 days with effect from March 1, 2022. The petitioner has preferred the memorandum of review on 20th July, 2022. The delay of 52 days in preferring the memorandum of review has been sufficiently explained in the application under Section 5 of the Limitation Act. The delay stands condoned. The Registry is directed to formally register the instant memorandum of appeal.

The condonation application [GA/3/2026] stands disposed of.

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Mr. Chakraborty, learned Senior Advocate for the review applicant prays for leave to file supplementary affidavit. Such leave is granted. The supplementary

affidavit, filed by Mr. Chakraborty, learned Senior Advocate for the review applicant, is taken on record. The review applicant is directed to serve a copy of the supplementary affidavit upon the learned Advocate representing the respondent no.1.

List this matter along with IA NO: GA/1/2022 in the month of July 2026.

(HIRANMAY BHATTACHARYYA, J.)

(OM NARAYAN RAI, J.)

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