

MC 2010/2009

BEFORE

THE HON'BLE MR JUSTICE A.K. GOSWAMI.

Heard Mr. B. C. Das, learned senior counsel for the petitioner as well as Mr. S. Dutta, learned counsel appearing for the Respondent No.1.

Perused the affidavit filed, wherein the paper publications have been enclosed to demonstrate service of notice on Respondent No.2 by substituted manner.

Having gone through the averments made in the affidavit and the contents of the paper publications, service on Respondent No.2 is complete.

Heard Mr. B. C. Das, learned senior counsel for the petitioner on the application for condonation of delay of 55 days in preferring the connected appeal. Mr. Das submits that delay of 55 days occurred in view of the fact that the Regional Office, which is the competent authority to take decision with regard to filing of appeal, took some time to decide the feasibility or otherwise of preferring the appeal based on the opinion of the panel advocate.

Though an objection was filed by the Respondent No.1, Mr. S. Dutta, learned counsel does not seriously contest the application for condonation of delay.

Upon hearing the parties and on consideration of the materials on record, I am of the opinion that the petitioner has been able to show sufficient cause for not preferring the appeal within the period of limitation. Accordingly, the delay stands condoned.

Misc. Case stands allowed and disposed of.