

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

**The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
And**

The Hon'ble Mr. Justice Supratim Bhattacharya

M.A.T. No. 1067 of 2025

IA No: CAN 1 of 2025

**New Parijat Co-operative Housing
Society Limited and Another**

Vs.

Kolkata Metropolitan Development Authority and Others

For the appellants : Mr. Pramit Kumar Ray, Snr. Adv.,
Mr. Sumitava Chakraborty,
Ms. Atmaja Bandyopadhyay,
Mr. Sounak Mandal,
Mr. Sounak Chatterjee, ...Advs.

For the
KMDA/respondent nos.1 to 7 : Mr. Satyajit Talukdar,
Mr. Arindam Chatterjee, ...Advs.

Heard and reserved on : 14.01.2026

Judgment on : 29.01.2026

Sabyasachi Bhattacharyya, J.:-

1. The present appeal has been preferred against a judgment dated June 13, 2025 passed by a learned Single Judge of this Court in WPA No.1432 of 2016, whereby the writ petition filed by the present appellants was dismissed.
2. At the outset, learned senior counsel appearing for the appellants raises a preliminary ground for setting aside the impugned judgment, to the effect that the same was delivered about 18 (eighteen) months after the date of conclusion of the final hearing of the writ petition.
3. Accordingly, both sides are heard on such preliminary issue, which is being decided by the present judgment.
4. The relevant facts are that the writ petition was filed in the year 2016. The arguments of both sides were concluded on December 8, 2023, on which date the matter was reserved for judgment.
5. However, the judgment was delivered only on June 13, 2025, that is, after 18 months from the conclusion of the arguments, at a point of time when the learned Single Judge no longer had the subject-matter determination to hear the writ petition as per the then roster.
6. Learned senior counsel for the appellants assails the judgment on the ground that it is not possible for any Judge to remember what was argued by the parties after more than 18 months, particularly in the absence of any written notes of submissions having been filed by the parties. This, it is argued, defies the principle of adversarial system of

litigation prevalent in India and is in breach of natural justice, since the judgment after such long delay would merely be the personal opinion of the learned Judge on the basis of the pleadings, and not a true reflection of the arguments actually advanced by the parties during hearing.

7. Learned senior counsel cites *Ram Bali v. State of U.P.*, reported at (2004) 10 SCC 598, and *D.P. Chadha v. Triyugi Narain Mishra and others*, reported at (2001) 2 SCC 221, in support of the above contention.
8. Learned senior counsel places reliance on a Division Bench judgment of the Madras High Court in *S. Kasthuri v. Vinoth Foundation*, reported at 2024 SCC OnLine Mad 6247, where the judgment was delivered after a period of about 14 months from conclusion of arguments and was set aside on such ground alone, following *Bhagwandas Fatechand Daswani and others v. HPA International and others*, reported at (2000) 2 SCC 13. In the latter judgment, the Hon'ble Supreme Court had observed that long delay in delivery of judgment gives rise to unnecessary speculations in the minds of the parties to a case and the affected party may have the apprehension that the arguments raised at the Bar may not have been reflected or appreciated while dictating the judgment.
9. Learned senior counsel next contends that justice should not only be done but also seen to be done. Hence, even a right decision by a wrong forum is a nullity, in support of which proposition learned senior

counsel cites *Pandurang and others v. State of Maharashtra*, reported at (1986) 4 SCC 436.

10. Learned senior counsel next cites *Anil Rai v. State of Bihar*, reported at (2001) 7 SCC 318, a landmark judgment where the Hon'ble Supreme Court laid down guidelines in respect of passing judgments within a limited period.
11. *Ravindra Pratap Shahi v. State of U.P. and others*, reported at 2025 SCC OnLine SC 1813, is also cited by the appellants, where the guidelines in *Anil Rai (supra)*¹ were further expanded.
12. Learned senior counsel argues that the Hon'ble Supreme Court, in none of the cases referred to above, observed that the appellant who fails to file an application with a prayer for early judgment is a fence-sitter or that such failure on the part of a litigant clothes the Hon'ble Judge passing the judgment after more than 18 months to remember arguments at the time of writing the judgment.
13. The appellants next rely on *Balaji Baliram Mupade and another v. State of Maharashtra and others*, reported at (2021) 12 SCC 603, *Indrajeet Yadav v. Santosh Singh and Another*, reported at 2022 SCC OnLine SC 461, *Ratilal Jhaverbhai Parmar and others v. State of Gujarat and others*, reported at 2024 SCC OnLine SC 2985, and an unreported judgment in the matter of *K. Madan Mohan Rao v. Bheemrao Baswanthrao Patil & Ors.*, in *Civil Appeal No. 6972 of 2022*. On the strength of the said reports, it is argued that where the fate of litigation

¹ ***Anil Rai v. State of Bihar*, reported at (2001) 7 SCC 318**

has been pronounced but the judgment follows after a considerable period, the same has to be set aside on the ground of such delay alone.

14. Learned senior counsel next cites *Barku Govind Walve and others v. State of Maharashtra and others*, reported at 2024 (3) Mh.L.J. 86, where the Bombay High Court refused to set aside the judgment assailed before it on the ground of delay, observing that the petitioners did not mention about the delay in delivering the judgment and no specific ground of delay had been raised. Thus, the said decision of a learned Single Judge of the Bombay High Court, it is submitted, is distinguishable on such facts, since in the present case a specific ground of delay has been taken.
15. Learned senior counsel next deals with *Rajan v. State of Haryana*, reported at 2025 SCC OnLine SC 1952, where it was observed that it would be too much to say that the delay by itself is sufficient to set aside the impugned judgment. However, learned senior counsel argues, the Hon'ble Supreme Court, while passing the said judgment, relied on *Santosh Hazari v. Purushottam Tiwari (Deceased) by LRs.*, reported at (2001) 3 SCC 179 which did not deal with the present issue of delay at all. Moreover, *Rajan (supra)*² did not consider the earlier judgments of the Hon'ble Supreme Court itself, which were holding the

² *Rajan v. State of Haryana*, reported at 2025 SCC OnLine SC 1952

field, namely *Bhagwandas Fatechand Daswani (supra)*³ and *Ratilal Jhaverbhai Parmar (supra)*⁴.

16. Although *Indrajeet Yadav (supra)*⁵ and *Balaji Baliram Mupade (supra)*⁶ were mentioned in *Rajan (supra)*², those were not considered in *Rajan (supra)*².
17. Furthermore, although *Ravindra Pratap Shahi (supra)*⁷ and *K. Madan Mohan Rao (supra)*⁸ were discussed, since those judgments cannot be reconciled with the observation in the later judgment of *Rajan (supra)*², the latter is *per incuriam*. In support of such submission, learned senior counsel cites *Shah Faesal and others v. Union of India and another*, reported at (2020) 4 SCC 1.
18. Learned senior counsel for the appellants further submits that, as held in *Chintels (India) Ltd. v. Bhayana Builders (P) Ltd.*, reported at (2021) 4 SCC 602, it is well-settled that judgments like *Rajan (supra)*² are not to be construed like Euclid's theorem.
19. Hence, the appellants pray that the appeal be allowed and the impugned judgment be set aside on the ground of prolonged delay in passing the judgment alone.

³ ***Bhagwandas Fatechand Daswani and others v. HPA International and others*, reported at (2000) 2 SCC 13**

⁴ ***Ratilal Jhaverbhai Parmar and others v. State of Gujarat and others*, reported at 2024 SCC OnLine SC 2985**

⁵ ***Indrajeet Yadav v. Santosh Singh and Another*, reported at 2022 SCC OnLine SC 461**

⁶ ***Balaji Baliram Mupade and another v. State of Maharashtra and others*, reported at (2021) 12 SCC 603**

⁷ ***Ravindra Pratap Shahi v. State of U.P. and others*, reported at 2025 SCC OnLine SC 1813**

⁸ ***K. Madan Mohan Rao v. Bheemrao Baswanthrao Patil & Ors.*, in Civil Appeal No. 6972 of 2022**

- 20.** Learned counsel for the respondent/KMDA controverts the contentions of the appellants and argues that the factual situation in the present case is completely different from the cited judgments of the appellants. In most of the said reports, although the Hon'ble Supreme Court deprecated the practice of delay in passing judgments, the impugned judgments were neither set aside nor declared to be a nullity.
- 21.** Furthermore, it is contended that in *Indrajeet Yadav (supra)*⁹ and *Balaji Baliram Mupade (supra)*¹⁰, the Hon'ble Supreme Court was considering cases where the operative portions of the orders, being the final orders, were pronounced earlier and the reasoned judgments were delivered much later. The predicament appreciated by the Hon'ble Supreme Court in the said cases was that without the benefit of reasoning, it would be difficult to implement the bare order, and the aggrieved party would also be unable to avail of the legal remedy of approaching the higher court, where reasons can be scrutinized. Such prejudice factor is absent in the present case, it is contended, since the entire judgment was passed as a whole by the learned Single Judge, albeit late.
- 22.** Also, in *Anil Rai (supra)*¹¹, the Hon'ble Supreme Court framed certain guidelines and/or mandates which still hold the field. However, in the latest judgment of *Rajan (supra)*¹², the Hon'ble Supreme Court considered *Anil Rai (supra)*¹¹, but did not hold that the judgment

⁹ ***Indrajeet Yadav v. Santosh Singh and Another, reported at 2022 SCC OnLine SC 461***

¹⁰ ***Balaji Baliram Mupade and another v. State of Maharashtra and others, reported at (2021) 12 SCC 603***

¹¹ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

¹² ***Rajan v. State of Haryana, reported at 2025 SCC OnLine SC 195***

impugned would be liable to be set aside on the sole ground of delay in pronouncement of the same.

23. In *Barku Govind Walve (supra)*¹³, the Bombay High Court held that mere delay in delivery of decision cannot be a sole ground for setting aside the order impugned, which is otherwise found to be validly passed.
24. Moreover, in the present case, since the appellants admittedly did not take any steps as per the guidelines laid down in *Anil Rai (supra)*¹¹ by approaching either the concerned Judge or the Hon'ble the Chief Justice, they are not entitled to contend in appeal for the first time that the impugned judgment is bad on the ground of delay, after having lost the case and without attempting to resort to the remedies available to them as per the guidelines laid down in *Anil Rai (supra)*¹¹. Rather, the appellants are attempting to circumvent a lawful judicial verdict by taking a technical objection as to delay in passing the judgment.
25. Learned counsel for the respondent/KMDA contends that in the unreported judgment of the Hon'ble Supreme Court in *Pila Pahan @ Peela Pahan & Ors. v. The State of Jharkhand & Ors.*, passed in Writ Petition(s) (Criminal) No(s).169/2025, further administrative directions were only given to the High Courts in line with the guidelines framed in *Anil Rai (supra)*¹⁴; however, no judicial order was passed setting aside

¹³ ***Barku Govind Walve and others v. State of Maharashtra and others, reported at 2024 (3) Mh. L. J. 86***

¹⁴ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

any verdict on the ground of delay, nor was any such directive issued in that regard.

- 26.** Learned counsel for the respondent/KMDA next submits that *Bhagwandas Fatechand Daswani (supra)*¹⁵ cannot come to the aid of the appellants in any manner, since the factual matrix of the said case arose prior to *Anil Rai (supra)*¹⁴ and was duly considered by the Apex Court in *Anil Rai (supra)*¹⁴, where, to ease out such a situation, the Apex Court was pleased to frame certain guidelines/mandates.
- 27.** Upon hearing learned counsel for the parties, the short preliminary issue which arises for consideration before this Court is whether, in the facts and circumstances of the present case, the impugned judgment should be set aside on the sole ground of the delay of about eighteen months after conclusion of arguments in passing the judgment.
- 28.** *Anil Rai (supra)*¹⁴ is the landmark judgment holding the field where, for the first time, the Hon'ble Supreme Court formulated specific guidelines to deal with the nagging malaise of prolonged delay in passing judgments afflicting High Courts in India.
- 29.** It would be profitable to quote two paragraphs of the said judgment in the context, which are as follows:

“9. It is true, that for the High Courts, no period for pronouncement of judgment is contemplated either under the Civil Procedure Code or the Criminal Procedure Code, but as the pronouncement of the judgment is a part of the justice dispensation system, it has to be without delay. In a country like ours where people consider the Judges only second to God, efforts be made to strengthen that

¹⁵ ***Bhagwandas Fatechand Daswani and others v. HPA International and others, reported at (2000) 2 SCC 13***

belief of the common man. Delay in disposal of the cases facilitates the people to raise eyebrows, sometimes genuinely which, if not checked, may shake the confidence of the people in the judicial system. A time has come when the judiciary itself has to assert for preserving its stature, respect and regards for the attainment of the rule of law. For the fault of a few, the glorious and glittering name of the judiciary cannot be permitted to be made ugly. It is the policy and purpose of law, to have speedy justice for which efforts are required to be made to come up to the expectation of the society of ensuring speedy, untainted and unpolluted justice.

10. *Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for the present, are as under:*

- (i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.*
- (ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.*
- (iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.*
- (iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.*

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.”

- 30.** Notably, none of the guidelines above contemplate setting aside the judgment-in-question outright on the sole ground of delay but, in the ultimate analysis, merely leave it to the discretion of the Chief Justice of the concerned High Court to pass appropriate orders.
- 31.** Taking a cue from the aforementioned decision, in *Pila Pahan @ Peela Pahan (supra)*¹⁶, certain administrative timelines were issued by the Hon’ble Supreme Court on the premise of a brief compilation report prepared by the learned *Amicus Curiae* appointed by the Apex Court, based on the information received from different High Courts. Further directions were issued, asking the *Amicus Curiae* to prepare a format which should be uniformly applied to all High Courts. In the meantime, the Hon’ble Supreme Court passed certain practice directions by modifying the existing practices of the High Courts to ensure that the date when the judgment is reserved, that when it is pronounced and the date when it is uploaded on the website are clearly mentioned in the uploaded/certified copies of the judgment, as well as other consequential directions.

¹⁶ ***Pila Pahan @ Peela Pahan & Ors. v. The State of Jharkhand & Ors., in Writ Petition(s) (Criminal) No(s).169/2025***

- 32.** However, the said judgment, although highlighting the malady of prolonged delay in passing judgments after conclusion of arguments, is not a binding judicial precedent on the issue at hand, as to whether to set aside a judgment altogether on the sole ground of the same being passed after a huge delay.
- 33.** The appellants argue that the learned Single Judge in the present case, having much exceeded the timeline as framed in *Anil Rai (supra)*¹⁷, lost jurisdiction to pass the judgment, on which ground itself the same should be set aside. In support of such contention, learned senior counsel for the appellants cites *Pandurang (supra)*¹⁸.
- 34.** However, the ratio of the said judgment is not applicable to the present case in view of the factual premises of the two being completely different. In the cited report, the Hon'ble Supreme Court was considering a case whether a learned Single Judge had decided a matter which was required to be adjudicated by a Division Bench of the self-same High Court. In such context, the Hon'ble Supreme Court held that what can be done only by at least two learned Judges, cannot be done by one learned Judge and even if the decision is right on merits, it is by a forum which is lacking in competence with regard to the subject-matter. In such backdrop, the Hon'ble Supreme Court observed that even a 'right' decision by a 'wrong' forum is no decision and was held to be non-existent in the eye of law; hence, a nullity.

¹⁷ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

¹⁸ ***Pandurang and others v. State of Maharashtra, reported at (1986) 4 SCC 436***

- 35.** The said judgment was based on the premise of the well-settled legal principle that a Larger Bench judgment is binding on a Bench of lesser strength, which is a cardinal rule of precedents. The doctrine of *coram non judice* was applied by the Hon'ble Supreme Court in such context.
- 36.** On the other hand, it is nobody's case in the present instance that the learned Writ Court did not have subject-matter jurisdiction when the writ application was heard. Even if, when the matter was decided finally, the learned Single Judge was entrusted with the determination to hear other types of matters as per the roster, after reserving the matter for delivery of judgment, there was no scope of further "hearing". The roster of any High Court is prepared under the directions of the Hon'ble the Chief Justice of such Court for the purpose of fixing the subject-matter determination of individual Benches to hear particular types of matters. Even in case of part-heard matters, administrative directions at the behest of the Hon'ble the Chief Justice may vary from time to time according to the administrative exigencies and the need of the hour. Whereas, at some points of time, there are standing orders that upon change of determination, the 'part-heard' marking is automatically cancelled and the Judge having the determination then would re-hear the matter, at other times, it is enumerated in the standing administrative orders of the court that Judges carry their 'part-heard' matters with them irrespective of the change of determination. However, in a concluded hearing, no such principle applies at all.

- 37.** Law recognizes generally that once a hearing is concluded, it is only the Judge before whom the same was heard who shall pass the final judgment, in the event the said learned Judge is still available in the same court at the time of passing of such judgment. In fact, law recognizes the hiatus between conclusion of arguments and passing of judgment as a mere limbo, the matter being concluded for all practical purposes with the conclusion of the hearing. A reflection of such principle is found in Rule 6 of Order XXII of the Code of Civil Procedure, which provides that notwithstanding anything contrary to the Rules foregoing the same, whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the conclusion of the hearing and the pronouncing of the judgment, but judgment may in such case be pronounced notwithstanding the death and shall have the same force and effect as if it had been pronounced before the death took place. It is to be noted that this provision is utterly counter-intuitive and goes against the grain of the settled legal position that a judgment in the name of a deceased person is a nullity.
- 38.** Thus, the Code goes to such an extent that even if a judgment is passed in the name of a deceased person, a legal fiction would be created to deem that the person was alive for all practical purposes, once hearing is concluded.
- 39.** Hence, mere alteration of determination or passage of time cannot denude a Bench of subject-matter jurisdiction to pass final judgment, by going to the extent of declaring it *coram non judice*, if it had such

determination in the first place at the hearing stage. Thus, such contention of the appellants cannot be accepted.

- 40.** The reliance of the appellants on *Ram Bali (supra)*¹⁹ and *D.P. Chadha (supra)*²⁰ are also misplaced. In the said judgments, the Hon'ble Supreme Court recognized the principle that if the happenings which transpired at the time of hearing are perceived by a party to have been erroneously recorded in a judgment, it is incumbent upon such party, while the matter is still fresh in the minds of the Judges who have made the recording, to seek necessary rectification, which is the only way to have the record corrected; it is not open to the appellant to contend before the appellate court to the contrary. The said principle is premised on the notion that regarding what transpired at the hearing, the recording of the judgment of the court is conclusive and no one can contradict such statement on affidavit or by other evidence.
- 41.** The challenge in the present case, however, is not in respect of the "factual happenings" which transpired before the concerned Judge on the relevant date or during the hearings, but regarding the legality of the judgment itself in view of the delay between the conclusion of arguments and the passing of the judgment. If the grievance of the appellants were limited to erroneous recording of events which transpired before the learned Single Judge during hearing of the matter, even then it would be the self-same Bench which would be the

¹⁹ ***Ram Bali v. State of U.P.*, reported at (2004) 10 SCC 598**

²⁰ ***D.P. Chadha v. Triyugi Narain Mishra and others*, reported at (2001) 2 SCC 221**

appropriate forum for the appellants to approach for rectification of the records. An appeal under such circumstances would be illusory, since the appellate court would not be in a position to know the facts or events which actually took place before the concerned court.

42. Thus, the ratio laid down in *Ram Bali (supra)*²¹ and *D.P. Chadha (supra)*²² does not come to the aid of the appellants; rather, it would be self-defeating for the appellants to rely on the same.
43. We observe so because, even as per the guidelines laid down by the Hon'ble Supreme Court as discussed above, it was open to the appellants to move before the concerned Bench, alternatively, the Hon'ble the Chief Justice of this Court, seeking an early judgment or re-assignment of the matter to some other Bench, if necessary, at the relevant juncture, when the matter was still fresh in the mind of the concerned Judge.
44. Instead of exhibiting some sense of urgency by doing so, the appellants waited for the prolonged period of more than eighteen months and suddenly woke up from slumber only after the judgment went against them. Although not going to the extent of labelling the appellants "fence-sitters", we must observe this much that it does not lie in the mouth of the appellants to cite the last-mentioned two judgments, when they themselves did not take recourse to the remedy provided in

²¹ ***Ram Bali v. State of U.P.*, reported at (2004) 10 SCC 598**

²² ***D.P. Chadha v. Triyugi Narain Mishra and others*, reported at (2001) 2 SCC 221**

*Anil Rai (supra)*²³ by approaching the concerned Bench or the Hon'ble the Chief Justice when the arguments were still fresh in the mind of the learned Judge but sat tight over the matter while it became stale, taking up the ground of delay only when an unfavourable order was handed out to them by the writ court.

45. We are conscious of the fact that the appellants cannot be blamed for the delay in delivery of the judgment, which was entirely the doing of the concerned Judge. Yet, a question mark arises as to the bona fides of the appellants in setting up the ground only in appeal, after their writ petition was dismissed, without having lifted a finger to seek early judgment throughout the period when the arguments were just out of the oven.
46. We would be failing in our duty if we do not record the apparently reasonable apprehension expressed by learned senior counsel for the appellants that if they moved an application for early judgment before the concerned learned Single Judge or the Hon'ble the Chief Justice before the judgment was passed, leading to a request to the said learned Judge to expedite disposal, such move of the appellants might have prejudiced the concerned Judge against the appellants.
47. However, such apprehension is baseless and cannot be sustained, since the entire system of judicial hierarchy is based on the faith and trust that judges are supposed to be above such petty considerations and are fair, unless proved otherwise. Apart from the aspect of delay,

²³ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

there is no allegation of bias against the concerned Judge in the present case. Hence, when binding precedents of the Hon'ble Supreme Court provide such recourse, there cannot be any conceivable basis of apprehending any prejudice in the mind of the concerned Judge just because an innocuous prayer is made to pass judgment early due to the inconvenience being suffered by the parties due to the delay.

- 48.** Even otherwise, in the event the appellants succeed on such threshold ground alone, the appellate court has no other option to remand the matter on merits. The same prejudice, even if we lend credibility to it, might very well afflict the mind of the learned Single Judge taking up the matter upon remand, since by the same logic, it could very well be in the back of the mind of the Bench hearing it on remand that similar allegations may be made by the appellants against it if they lose, which might create a bias/reverse bias (depending on the psyche of the concerned Judge) clouding its decision.
- 49.** Thus, the above line of reasoning, if taken to its logical conclusion, is absurd and would create an ever-expanding paranoia of suspicion, hitting at the very root of judicial integrity without any credible or reasonable basis. Such an excuse, without anything else, cannot justify the long delay on the part of the appellants to wait till they lost the case, to urge the point first before the appellate court without giving a chance to the concerned Bench to rectify its defect by seeking an early decision before it.

50. Moving on further, heavy reliance has been placed by the appellants on *Indrajeet Yadav (supra)*²⁴ and *Balaji Baliram Mupade (supra)*²⁵ as well as *K. Madan Mohan Rao (supra)*²⁶ and *Ratilal Jhaverbhai Parmar (supra)*²⁷. In all the above cases, the Judge concerned had passed the operative portion of the verdict in open court, by oral orders; however, the reasons therefor were supplied much later.
51. In such context, the Hon'ble Supreme Court held in *Balaji Baliram Mupade (supra)*²⁴ that the counsel extended through various judicial pronouncements appeared to have been ignored, more importantly where oral orders were pronounced. In case of such orders, it was held, it was expected that they were either dictated in the court or at least must have followed immediately thereafter, to facilitate any aggrieved party to seek redressal from the higher court. The delay in delivery of judgment was held, in terms of the ratio of *Anil Rai (supra)*²⁸, to be in violation of Article 21 of the Constitution of India.
52. The Hon'ble Supreme Court also observed that the hiatus period of 9 (nine) months between the date of the operative portion of the order and the reasons disclosed was more than even the maximum period for pronouncement of reserved judgment as per *Anil Rai (supra)*²⁷ and on

²⁴ ***Indrajeet Yadav v. Santosh Singh and Another, reported at 2022 SCC OnLine SC 461***

²⁵ ***Balaji Baliram Mupade and another v. State of Maharashtra and others, reported at (2021) 12 SCC 603***

²⁶ ***K. Madan Mohan Rao v. Bheemrao Baswanthrao Patil & Ors., in Civil Appeal No. 6972 of 2022***

²⁷ ***Ratilal Jhaverbhai Parmar and others v. State of Gujarat and others, reported at 2024 SCC OnLine SC 2985***

²⁸ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

such ground, set aside the same. However, the expression “maximum time period for even pronouncement of reserved judgment” has to be read in the context of the actual principles laid down in *Anil Rai (supra)*²⁷, since the expression was used only in such context in *Balaji Baliram Mupade (supra)*²⁹. Looked at from such perspective, non-adherence to the said maximum period would only entitle the aggrieved party/parties to move the concerned Bench or the Chief Justice of the High Court for appropriate directions *before* the judgment was pronounced, but would not *per se* render the judgment a nullity. Thus, in the report under discussion, the maximum time period was used merely as an additional justification to set aside the impugned judgment, the primary ground being the aggrieved party being remediless for the inordinately long period of 9 (nine) months, when the right to appeal accrued as the fate of the matter was disclosed by dictating the ordering portion, but no appeal could be preferred as the body of the judgment, containing reasons did not come forth.

- 53.** In *Indrajeet Yadav (supra)*³⁰, under similar circumstances, the Hon’ble Supreme Court set aside the impugned judgment, as the arguments of the appeals therein were concluded by the High Court on March 30, 2019 and the High Court allowed the said appeals on the very day by pronouncing the operative portion of the order, but a reasoned

²⁹ ***Balaji Baliram Mupade and another v. State of Maharashtra and others, reported at (2021) 12 SCC 603***

³⁰ ***Indrajeet Yadav v. Santosh Singh and Another, reported at 2022 SCC OnLine SC 461***

judgment and order was pronounced after approximately 5 (five) months.

54. Again, in *K. Madan Mohan Rao (supra)*³¹, the Supreme Court relied on its earlier judgements, including *Anil Rai (supra)*³², governing the field. However, it was also not a case where a complete final judgment, including the reasons therefor, had been pronounced by the High Court. In the said case, an election petition was taken up for consideration after a considerable delay and after a prolonged hearing, ultimately the order was pronounced on June 15, 2022, purportedly allowing the application and rejecting the election petition. Yet, the reasoned order allowing the said application was not available even on the date when the challenge against the decision was decided finally by the Hon'ble Supreme Court on September 26, 2022, which prompted the Apex Court to hold that a party to the litigation cannot be expected to wait indefinitely for availability of the reasons for the order of the court, particularly when it is a time-sensitive matter like an election petition. In such circumstances, the entire matter was directed to be placed before the Hon'ble the Chief Justice of the concerned High Court for issuing appropriate assignment orders.

³¹ ***K. Madan Mohan Rao v. Bheemrao Baswanthrao Patil & Ors., in Civil Appeal No. 6972 of 2022***

³² ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

- 55.** In *Ratilal Jhaverbhai Parmar (supra)*³³, the Hon'ble Supreme Court recorded its concern that in recent times, the said court had *suo motu* initiated proceedings, having noticed "attitudinal and thought patterns" of learned Judges of various High Courts across the country which tended to lower the image of the judiciary in general and the High Courts in particular. It was recorded that while some of the proceedings were still pending, one such proceeding had been disposed of recently emphasising the need for learned Judges to exercise restraint while expressing one's views in open court. Yet again (the Supreme Court went on observing), a fortnight back, the Hon'ble Supreme Court had set aside a judgment of a High Court on the ground that it had been signed by the learned Judge after demitting office.
- 56.** Such issues were flagged by the Hon'ble Supreme Court in *Ratilal Jhaverbhai Parmar (supra)*³³ as indicating distressing trends. In the facts of the case before the Hon'ble Apex Court, an application under Article 227 of the Constitution of India was being heard by the High Court and hearing was concluded on March 1, 2023. Only on April 30, 2024, about more than a year thereafter, the appellant's counsel received from the IT Cell of the High Court a soft copy of the reasoned order dated March 1, 2023 containing the reason for dismissal of the petition. The Apex Court took note of the fact that at the beginning of the said order "ORAL ORDER" was printed in bold font, which was

³³ ***Ratilal Jhaverbhai Parmar and others v. State of Gujarat and others, reported at 2024 SCC OnLine SC 2985***

supposed to be an order which had been dictated in open court. However, the appellant had made the serious allegation that the learned Judge had passed a reasoned order more than a year after March 1, 2023 and had ante-dated the reasoning portion of the same to project that the reasoned order was passed on March 1, 2023 itself. In the context of such allegation, the Hon'ble Supreme Court expressed displeasure and made certain observations regarding the manner in which the High Courts ought to ensure that the outcome of proceedings should be visibly just.

- 57.** However, none of the said factual coordinates are applicable to the present case before us.
- 58.** There is a marked distinction between a case where the judgment itself is passed as a whole long after the same was reserved on conclusion of arguments, and one where the ordering portion of the judgment is actually expressed or passed in open court and/or uploaded immediately upon hearing but the reasons follow much thereafter, on occasions after several months.
- 59.** In the latter case, the toll taken by the credibility of the Judiciary at large is much higher since, by definition, an order has to be *preceded* by its reasons and by no stretch of imagination can the reasons follow the conclusion. It would be the putting the proverbial cart before the horse if a conclusion is arrived at and then reasons are supplied in retrospect. It is understandable that upon exercising a mental line of reasoning (which, if articulated by passing the entire judgment

immediately in open court, would consume precious judicial time), the concerned Judge expresses the conclusion of such reasoning by dictating the ordering portion in open court and dictates the whole judgment, including proper ratio in chambers. However, in such event the reasoning has to follow the ordering portion at the earliest – if not on the very next working day, at the earliest thereafter – in order to lend sanctity to the same. If the reasoning comes forth several days, weeks or months thereafter, the ordering portion would precariously resemble a wager or a draw of lots and might create the apprehension in the mind of the litigant that the reasons were reverse constructed later to justify the knee-jerk conclusion passed contemporaneously with the hearing in open court.

- 60.** A still higher premise of vitiating such an order would be that on the very date of passing of the operative portion of the order, the right to prefer an appeal accrues; but no such appeal can be preferred unless the reasons of the order are actually uploaded, since it is such reasons or lack of it which are to be considered by the Appellate Court where such order is intended to be assailed. Thus, the aggrieved party lacks a forum to challenge the order, although bound by it, which directly contravenes the *ubi jus ibi remedium* principle. The problem becomes far more aggravated when the time-lag between the ordering portion and the reasons is inordinate. In such circumstances, it is of course understandable as to why the order itself ought to be set aside as a

whole, in view of the same lacking a modicum of validity and/or sanctity befitting a judicial verdict.

- 61.** As opposed thereto, the ground of challenge to a judgment which is delivered entirely after a prolonged period, subsequent to closure of arguments, is somewhat different. In such cases, it cannot be said that the final conclusion of the Judge was already disclosed by order passed/expressed in open court but the reasons followed thereafter. The judgment, in its entirety in such cases, is delivered long after conclusion of arguments.
- 62.** The first premise of challenge to the same is, obviously, that it is humanly not possible for Judges to recollect arguments made before them months before (more than 18 months in the instant case). This, in turn, would hit at the roots of the adversarial system followed in the Indian judicial structure. It is a valid contention that, under normal circumstances, a Judge (who is, after all, a human being) is not expected to remember the specific arguments advanced 18 months prior to the passing of the final judgment without external aids, such as written notes of arguments (which were not filed in the present case).
- 63.** In such a case, there is every possibility that the judgment finally delivered by the Judge is her/his own opinion on the basis of the materials on record, unaided by the arguments of counsel appearing for the respective parties, which were actually advanced during hearing. Apart from defeating the adversarial system, such a judgment would also run the risk of being based entirely on the written material on the

basis of the documents and pleadings on record. From a pragmatic viewpoint, it is common experience in courts that during hearing, counsel supplement, or sometimes even supplant, defects in pleadings and lend their own interpretation to the materials on record and may even urge pure questions of law which have not been pleaded or waive grounds during arguments. Unless seen through the prism of counsel, such nuanced and multi-layered texture of the contentions of parties and the plurality of interpretations on the self-same materials is lost and the written materials acquire the monochrome of solely the Judge's viewpoint, denuded of the benefits of varied perspectives.

- 64.** That apart, of course, the right of access to justice and equal treatment before the law, enshrined in Article 21 as a part of the right to life and Article 14 of the Constitution respectively, goes for a toss in case there is an inordinate delay between the conclusion of arguments and the verdict.
- 65.** Taking into consideration such possible grounds of challenge in the event the entire judgment is delivered inordinately late, the question which now falls for consideration is what ought to be the fate of such a judgment in a challenge to the same.
- 66.** In *Rajan (supra)*³⁴, a two-Judge Bench of the Hon'ble Supreme Court took into consideration several earlier judgments of the said Court,

³⁴ ***Rajan v. State of Haryana*, reported at 2025 SCC OnLine SC 1952**

including that passed in *Ravindra Pratap Shahi (supra)*³⁵, where the directions passed in *Anil Rai (supra)*³⁶ were reiterated, further directing the Registrar General of each High Court to furnish to the Chief Justice of the said High Court a list of cases where the judgment reserved is not pronounced within the remaining period of that month and the Court keeps on repeating the same for three months. The Hon'ble Supreme Court, in *Rajan (supra)*³⁷ also took into consideration the denigration by the Hon'ble Supreme Court of the practice of passing orders without furnishing reasons for the same at the relevant time. *K. Madan Mohan Rao (supra)*³⁸, as well as several other judgments in the field were also considered by the Hon'ble Division Bench of the Supreme Court in *Rajan (supra)*³⁷.

- 67.** However, it was concluded by the Hon'ble Supreme Court that it would be too much for the said court to say that the delay by itself is sufficient to set aside the impugned judgment. In the same breath, it was added that it would all depend upon the facts and circumstances of each case. Thus, the Hon'ble Supreme Court, in *Rajan (supra)*³⁷, did not set down as an invariable principle that on the sole ground of delay in passing judgment, the same can be set aside. As per the ratio laid

³⁵ ***Ravindra Pratap Shahi v. State of U.P. and others, reported at 2025 SCC OnLine SC 1813***

³⁶ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

³⁷ ***Rajan v. State of Haryana, reported at 2025 SCC OnLine SC 1952***

³⁸ ***K. Madan Mohan Rao v. Bheemrao Baswanthrao Patil & Ors., in Civil Appeal No. 6972 of 2022***

down in *Rajan (supra)*³⁹, thus, although there is no bar to setting aside a judgment on the ground of delay, a call in that regard should be taken on the facts and circumstances of each case and delay, *per se*, could not be a sole criterion for setting aside such a judgment.

- 68.** The appellants in the instant case argue that the Hon'ble Supreme Court, in *Rajan (supra)*³⁹, took into consideration *Santosh Hazari (supra)*⁴⁰ which was rendered in connection with a second appeal and was completely different in its scope of adjudication than the issue at hand. On such ground, it is even argued by the present appellants that the ratio in *Rajan (supra)*³⁹ ought to be ignored by us by coming to the finding that the ratio laid down therein is *per incuriam*.
- 69.** However, the Hon'ble Supreme Court has deprecated time and again the practice of High Courts to deviate from binding precedents laid down by the Apex Court on flimsy grounds. It would also be violative of judicial decorum to hold a ratio laid down by the Hon'ble Supreme Court to be *per incuriam* at the drop of a hat.
- 70.** Although there are certain situations where, faced with a dilemma, the High Courts may choose one of several judgments of the Supreme Court, if conflicting on a point of law, by applying the litmus test as to the facts of which of such conflicting judgments most resemble the factual paradigm of the case being decided by the High Court.

³⁹ *Rajan v. State of Haryana*, reported at 2025 SCC OnLine SC 1952

⁴⁰ *Santosh Hazari v. Purushottam Tiwari (Deceased) by LRs.*, reported at (2001) 3 SCC 179

- 71.** Even otherwise, if a subsequent judgment of the same Bench-strength of the Supreme Court fails to take into consideration a binding precedent of a previous judgment of the Apex Court, the previous judgment may be relied on by the High Courts. However, if a later judgment of the Supreme Court specifically considers earlier judgments and, upon interpreting/explaining those, lays down the law in a particular field, there is little or no scope for the High Courts to deviate from the same.
- 72.** In such context, the reliance of the appellants on *Shah Faesal (supra)*⁴¹ and *Indo Swiss Time Limited v. Umrao*, reported at 1961 SCC OnLine Punj 38, respectively decisions of the Hon'ble Supreme Court and a Full Bench decision of the Punjab and Haryana High Court, are futile.
- 73.** In *Shah Faesal (supra)*⁴¹, the Hon'ble Supreme Court had, *inter alia*, observed that a decision or judgment can only be *per incuriam* if it is not possible to reconcile its ratio with that of a previously pronounced judgment of a co-equal or larger Bench or if the decision of a High Court is not in consonance with the views of the Hon'ble Supreme Court. However, such proposition was adjuncted by the caveat that the *per incuriam* rule is strictly and rarely applicable, that too, only to the *ratio decidendi* and not to *obiter dicta*.
- 74.** Such considerations, however, were in the context of the Supreme Court holding its own earlier judgments *per incuriam* and not the High

⁴¹ ***Shah Faesal and others v. Union of India and another*, reported at (2020) 4 SCC 1**

Court, subordinate in judicial hierarchy, considering whether a Supreme Court judgment was *per incuriam*.

- 75.** In the Full Bench judgment of the Punjab and Haryana High Court, it was observed that it is not the last judgment which necessarily needs to be followed, which proposition, as discussed above, is not disputed.
- 76.** However, even applying the tests laid down in the said judgments, we do not find the observation of the Hon'ble Supreme Court in *Rajan (supra)*⁴², to the effect that it would be too much for the court to say that the delay by itself is sufficient to set aside an impugned judgment and it would all depend upon the facts and circumstances of each case, to be irreconcilable to the previous judgments in the field.
- 77.** Rather, on a harmonious construction of the previous judgments of the Supreme Court, as discussed above, it becomes evident that long delay in passing a judgment after conclusion of arguments cannot be the sole ground of setting aside the same, if the entire judgment was passed much later.
- 78.** An exception has been carved out by the Hon'ble Supreme Court in several instances only in cases where the conclusion or the final decision was expressed or passed in open court and the reasons followed after a long delay. We have already deliberated on the distinction between such a situation and one where the entire judgment is delivered later, and need not dwell upon the same *ad nauseam*.

⁴² ***Rajan v. State of Haryana*, reported at 2025 SCC OnLine SC 1952**

- 79.** Although delay defeats the right of the parties to a litigation to have expeditious justice, which is a part of the right to life under Article 21 of the Constitution of India, a judgment of an otherwise competent court of law cannot and ought not to be set aside on the sole ground of delay at the drop of a hat, without anything more, on the general premise of violation of Article 21 of the Constitution of India, unless otherwise bad in law or without jurisdiction.
- 80.** As opposed to a case where a final decision is taken by delivering only the ordering portion or conclusion of a judgment and the right of the aggrieved party to prefer an appeal accrues immediately, consequentially the limitation period starting to run, without any remedy being available in the absence of the full judgment with reasons, in a case where the entire body of the judgment, including the concluding portion is delivered after a long delay, at least the aggrieved party does not suffer from such predicament.
- 81.** Undoubtedly, the principles and guidelines laid down in *Anil Rai (supra)*⁴³ is a beacon in the field and has further been followed in several other judgments.
- 82.** Even going by the said guidelines, we find that the Hon'ble Supreme Court stopped short of holding that a judgment passed after the timeline as stipulated in the said report is automatically rendered a nullity or that the learned Judge passing the judgment loses jurisdiction automatically after a particular period.

⁴³ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

- 83.** As per the said guidelines, certain safeguards and a system of checks and bounds are put in place to ensure speedy disposal of cases. For example, if the judgment is not pronounced within the period of two months from conclusion of the arguments, the Chief Justice of the concerned High Court may draw the attention of the Bench concerned to the pending matter. The desirability of circulating the statement of such cases in which judgments have not been pronounced within six weeks from the date of conclusion of the arguments among the Judges of the High Courts for their information has also been mooted. The said proposition, however, is supplemented with the rider that such communication is to be confidential and in a sealed cover, thereby protecting the identity of the concerned Judge from public scrutiny and the resultant ignominy, only on the ground of delay in rendering the judgment.
- 84.** The last limit to which the Hon'ble Supreme Court goes in *Anil Rai (supra)*⁴⁴ is that if the judgment is not pronounced within six months, any of the parties would be at liberty to move an application before the Chief Justice of the concerned High Court with a prayer to withdraw the case and make it over to any other Bench for fresh arguments. It would then be open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.
- 85.** Thus, even in terms of the guidelines laid down in *Anil Rai (supra)*⁴², the Judge concerned is not automatically denuded of jurisdiction after the

⁴⁴ ***Anil Rai v. State of Bihar, reported at (2001) 7 SCC 318***

expiry of six months from conclusion of arguments, which is the outer time-limit stipulated therein, but merely gives the liberty to any of the parties to approach the Chief Justice. Even after such approach, the discretion has been vested in the Chief Justice of the High Court to pass appropriate orders, either by withdrawing the matter from the concerned Bench and place it before some other for fresh arguments or, if necessary, any other directions which the Chief Justice may deem fit in the circumstances, which would also perhaps include a request to the concerned Judge himself or herself to pass the final judgment expeditiously.

- 86.** In the latest guidelines in *Pila Pahan @ Peela Pahan (supra)*⁴⁵, the Hon'ble Supreme Court has further fine-tuned the said guidelines and passed directions for the *Amicus Curiae* to prepare a uniform format for all High Courts, in a bid to ensure that the justice-delivery system is fast-tracked and easier access to justice is facilitated.
- 87.** However, in cases where a final judgment in its entirety, including the reasons and the conclusion, is delivered after a particular period, none of the judgments of the Hon'ble Supreme Court has laid down the precedent that such judgment should be set aside on such count alone.
- 88.** A question has been raised before this Court by learned senior counsel appearing for the appellants as to whether this Court, irrespective of there being no specific precedent of the Hon'ble Supreme Court, should

⁴⁵ ***Pila Paghan @ Peela Pahan & Ors. v. The State of Jharkhand & Ors., in Writ Petition(s) (Criminal) No(s).169/2025***

independently lay down the law by setting aside the implement judgment on the ground of 18 months' delay.

- 89.** Although affirmative action is welcome where required, at the same time, in-built safeguards are to be adhered to before being overly proactive, particularly when checks and bounds are already existing in the system by dint of the guidelines passed in *Anil Rai (supra)*⁴⁶, which are being regularly honed and fine-tuned by successive directions of the Hon'ble Supreme Court in recent times to ensure that transparency is increasingly brought about in the justice-delivery system and expeditious disposal of matters is ensured.
- 90.** Upon a thorough consideration of the judgments holding the field and on a recce of the pros and cons, we find the following factors worth considering to arrive at a conclusion as to whether the impugned judgment should be set aside on the sole ground of delay of eighteen months in delivering the same, in the absence of anything else:
- (i) Even if this Court holds that the impugned judgment ought to be set aside on the sole ground of inordinate delay in passing the same after conclusion of arguments, a question would arise, in the absence of any Constitutional or statutory outer time-limit for delivery of judgments, as to what would be the exact "inordinate" period after which it can be said that the concerned Judge loses jurisdiction or the judgment is invalidated; whatever time-limit is

⁴⁶ *Anil Rai v. State of Bihar*, reported at (2001) 7 SCC 318

fixed for such purpose would be based on an entirely arbitrary cut-off date, imposed as per our individual perception.

- (ii) In all cases where there is a huge delay in passing judgments, it cannot be automatically inferred that the concerned Judge did not have the benefits of the arguments of both parties if written notes of arguments were filed by the parties at the time of arguments. Even if no written notes of arguments are filed, it cannot automatically be construed that the Judge does not have any tools of recollection while passing the judgments after such delay. During the course of arguments, it is often that Judges take hand-written rough notes of arguments or jot down important pointers or psychological cues which, coupled with the pleadings and copies of the cited judgments available on record, provide a sufficient data-base for the Judge to recollect as to what arguments were broadly made before the court at the time of hearing. Moreover, mental capacities vary from person to person, some having phenomenal memory while others are average or worse in recollection (at least the author can speak for himself), thus making it impossible to fix any particular universal standard period to fit all Judges, beyond which it can be said beyond doubt that the Judge concerned cannot have any recollection of the arguments advanced.

(iii) Thirdly, even the Hon'ble Supreme Court, in *Anil Rai (supra)*⁴⁷ and subsequent contemporary judgments following the guidelines laid down therein, have stopped short of holding that a Judge loses jurisdiction after the outer limit of six months and/or that judgments passed after six months are automatically invalidated. As per the directions of the Hon'ble Supreme Court, at best a party can apply to the Chief Justice of the concerned High Court for necessary directions or removing the matter from the concerned Bench and re-allocating the same for fresh hearing before a different Bench. However, apart from obvious cases where the decision is expressed in open court but the reasons follow much thereafter, even the Hon'ble Supreme Court has not set aside any judgment merely on the ground of delay.

91. The above factors deter us, despite fully empathising with and appreciating the agony of the litigants who suffer from huge delays in passing judgments, from going to the extent of setting aside the impugned judgment solely on the ground of delay, without anything more to cast aspersions on the particular learned Judge and/or any other circumstances leading to such conclusion.

92. The impugned judgment of the writ court reflects clearly and lucidly the arguments advanced by the respective parties as well as the judgments cited before the said court. We also find that the learned Single Judge adverted to the merits of the case at length and came to their

⁴⁷ *Anil Rai v. State of Bihar*, reported at (2001) 7 SCC 318

conclusion accordingly. Thus, although we do not comment on the merits of the appeal otherwise at this juncture, as we are deciding only a preliminary issue on the ground of delay in delivering the judgment, we find that there is no other indicator in the judgment than the delay to show that the learned Single Judge was completely oblivious of the arguments advanced by the parties and/or the judgments cited before the said court or that the court failed to touch upon the merits of the case comprehensively. Both sides' respective arguments are narrated quite elaborately in the judgment, indicating either that the narrative portion was dictated earlier or that the learned Single Judge had their own notes and/or the memory of the concerned learned Single Judge was sufficiently refreshed by pointers and cues in the pleadings and, may be rough notes taken during arguments.

- 93.** Hence, the argument, that the adversarial system of justice delivery was defeated merely by the delay in delivering the impugned judgment, cannot be accepted in the present case.
- 94.** In view of the above, this Court is of the opinion that although we are somewhat disappointed at the long delay of more than 18 months from the conclusion of the arguments to the delivery of the impugned judgment, we are unable to set aside the same solely on the ground of such delay.
- 95.** Accordingly, the preliminary challenge raised by the appellants against the judgment to that effect is hereby turned down on contest. Such issue is, thus decided against the appellants.

- 96.** However, we make it abundantly clear that all other contentions of the respective parties are kept open for being argued on merits at the final hearing of the appeal. The observations made above are restricted to the adjudication of the preliminary challenge on the ground of delay in delivery of the impugned judgment and shall not be deemed to be conclusive or binding on the parties in any manner at any further stage of the appeal or elsewhere.
- 97.** The connected application, bearing CAN 1 of 2025, be posted for hearing under the heading “Application” in the Monthly List of February, 2026.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)