|  |  |  |
| --- | --- | --- |
| Serial No. and  Date of order. 1 | Order of the Tribunal with signature  2 | Office action with date  and dated signature  of parties when necessary  3 |
| **09 \_\_\_\_**  **06.03.18**  BLR | For the Applicants : Mr.T.Das  Learned Advocates  For the Respondent : Mr.M.N.Roy  Learned Advocate  The applicant has filed MA-42 of 2014 praying for recalling order dated August 4, 2005 passed in connection with OA-1304 of 2004, by which the said original application was dismissed for default. The applicant has filed another application being MA-43 of 2014 praying for condonation of delay of about 10 years in filing the application for recalling order dated August 4, 2005 passed by the Tribunal in connection with OA-1304 of 2004.  The contents of the applications disclose that the original application was dismissed for default on August 4, 2005 on the ground of absence of Learned Counsel for the applicant when the matter was called out. The applicant has tried to explain delay of almost 10 years in approaching the Tribunal for recalling the order of dismissal for default by stating that one Sabyasachi Patra, Learned Advocate engaged by the applicant in the  original application did not inform the applicant of the fact of dismissal of the original application for default. No explanation is forthcoming before the Tribunal what initiative was taken by the applicant himself to track the progress of his case for 10 years. By taking extreme liberal view about the law of condonation of delay, we are unable to accept the contention made on behalf of the applicant that the inordinate delay of 10 years took place in approaching the Tribunal only because, Learned Advocate engaged by the applicant did not inform the applicant of the fact of dismissal of the original application for default. In view of our above findings, we cannot persuade ourselves to condone the delay of 10 years in filing the application for recalling order of dismissal for default.  As a result, both MA- 42 of 2014 & MA-43 of 2014 are dismissed.  Let a plain copy of this order be supplied to both parties.  **(S.K.DAS) (R.K.BAG)**  **MEMBER(A)**  **MEMBER (J)** |  |