

24.08.2026.
Item No. 8.
Court No. 13
ap

M.A.T. 2545 of 2023
With
I.A. No. CAN 1 of 2024
And
I.A. No. CAN 2 of 2024

Food Corporation of India
Versus
Union of India & Ors.

Mr. Devajyoti Barman,
Ms. Sanjukta Basu Mallick.

...For the appellant.

Mr. Kisor Ray,
Ms. Kriti.

...For the respondent no.4.

Re: CAN 1 of 2024 (Condonation)

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 40 days in filing the instant appeal.

2. Having heard the learned Advocate appearing on behalf of the appellant as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 40 days in preferring the instant appeal.

3. In view of the above, the application for condonation of delay being CAN 1 of 2024 is allowed and disposed of.

4. There will be no order as to costs.

Re: M.A.T. 2545 of 2023

5. The subject appeal is directed against the judgment and order dated 12th September, 2023 passed in W.P.A. 16615 of 2023.

6. Learned Counsel for the appellant fairly submits that the subject matter of the appeal is covered by a decision of a Co-ordinate Bench of this Court dated 24th September, 2024 passed in M.A.T. 2397 of 2023.

7. Having regard to the above, this Court directs that the said judgment dated 24th September, 2024 (supra) shall govern the instant appeal subject to the following modifications:

(i) The appellant shall not be liable to pay interest on the delayed payment of gratuity for the period between which the gratuity amounts were lying deposited with the Additional Labour Commissioner-cum-Controlling Authority under Payment of Gratuity Act, 1972 and to the extent of quantum deposited;

(ii) The appellant shall, however, be liable towards interest as ordered in the judgment dated 24th September, 2024 (supra) for the quantum and balance period during which the gratuity quantum was not lying deposited with the Controlling Authority under the Act of 1972.

8. With the aforesaid observations, M.A.T. 2545 of 2023 shall stand disposed of.

9. In view of disposal of the appeal itself, the connected application being CAN 2 of 2024 shall also stand disposed of.

10. There will be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)

(*Anuj Singh, J.*)