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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LA.APP. 106/2010

UNION OF INDIA

..... Appellant

Through: Mr. Ramesh Ray, Advocate

versus

SARDARE THR LRS & ORS

..... Respondents

Through: Mr. Neeraj Kr. Jha, Advocate for LR's of R-1

Ms. Suman Chaudhary, Advocate for R-2 to 5

CORAM:

HON'BLE MR. JUSTICE P.K. BHASIN

ORDER

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02.12.2010

CM No. 2236/2010

This is an application filed by the appellant – UOI seeking condonation of delay of 459 days in filing of this appeal. This application has been seriously opposed on behalf of the private respondents on the ground that no cause whatsoever much less a sufficient cause, has been shown by the appellant for this huge delay in the filing of the appeal.

Learned counsel for the appellant submits that in cases of appeals which are to be filed on behalf of the government departments delay in filing of the appeal occurs since the files are to be put up before different authorities before a final decision is taken whether an appeal is to be filed or not. It is stated that sometimes this process takes few months and sometimes even more than a year is consumed and for that reason only delay of 459 days occurred in the present case. It is stated that the delay is not intentional and further that in case delay is not condoned even if it is considered to be because of negligence on the part of any official(s) of the government it would be loss to the public exchequer only since the impugned judgment which is liable to be set aside to the extent it has awarded benefit to the land owners under Section 23(i)(a) of the Land Acquisition Act which could not have been granted in view of a Constitution Bench judgment of the

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Hon'ble Supreme Court would stand confirmed and the land owners would get unduly enriched.

In my view, for the reasons given by the counsel for the appellant this application cannot be allowed since if these kind of submissions are to be accepted it would mean that there would be no period of limitation for the government in filing appeals and the government officials would be at liberty to take decisions at their sweet will particularly when the higher authorities in the concerned department do not take any action at all against the erring officials responsible for causing such huge delays in taking necessary steps in challenging orders of the subordinate Courts which are considered to be not sustainable. The impugned judgment was passed on 22nd April, 2008 and its certified copy, as per the averments made in the application, was made available on 6th May, 2008. However, the appeal came to be filed in October, 2009 and it cannot be accepted that it takes that much time for the concerned officials to take necessary decision whether to approach the appellate Court or not even if the file is to pass through many channels.

I, therefore, do not find any reason whatsoever to condone the delay in the filing of the appeal and consequently this application is dismissed.

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As a result of the dismissal of the appellant's application for condonation of delay in filing of the appeal this appeal is dismissed being time barred.



P.K. BHASIN, J.

DECEMBER 02, 2010
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