

Serial No.05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (Cus.Appl.) No.1/2024

Date of Order: 06.03.2024

The Commissioner of Customs (Preventive), 110 Mahatma Gandhi Road
NER, Shillong-793001.

Vs.

1. Shri Daleep Kumar Verma, Proprietor of M/s Shreeji Traders &
Manufacture, House No.202, Mata Rani Mohalla, near A.S. Modern
School, Khanna, Punjab.

2. Shri Rohit Kumar Suri, S/o Shri Darshan Kumar, R/o H.No.4783/3,
Sector 38, Chandigarh-160036.

3. Shri Karan Sehdev, Proprietor of M/s K.S. Traders & Enterprises, 3rd
Floor Prop No.1168, Shop No.314, Kucha Mahajani, Chandni Chowk,
Delhi-110006.

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Applicant : Ms. A. Pradhan, Adv

For the Respondent : Mr. S.K. Verma, Adv with
Mr. S. Thapa, Adv

This application has been filed to condone the delay of 79 days
in preferring the appeal against the judgment and order dated
04.05.2023.

2. Heard Ms. A. Pradhan, learned counsel for the applicant and
Mr. S.K. Verma with Mr. S. Thapa, learned counsel appearing for the
respondents.

3. The respondents has serious objection for condoning the delay.

4. After hearing both the parties, we are of the view that sufficient cause has been given for condoning the delay. In the light of the judgments of the Apex Court in **Postmaster General and Others V. Living Media India Limited and another reported in (2012) 3 SCC 563** and **N.Balakrishnan V. M. Krishnamurthy** reported in **(1998) 7 SCC 124**, if the delay has been satisfactorily explained, the same can be condoned. These judgments have also been followed by a Division Bench of the Madras High Court in the case of **M/s.Ruskin Sea Foods Limited vs. M/s.Evergreen Sea Foods Pvt. Ltd., reported in MANU/TN/0876/2018** in which one of us (S.Vaidyanathan,J) was a party, wherein it has been held as follows:

“32. Ordinarily, the 'Condonation of Delay' is a matter of discretion to be exercised by the Concerned Court. Also, it is true that the length and breadth of delay is not relevant, but the acceptance of explanation can only be a relevant criterion for the concerned Court to deal with/condone the aspect of 'Condonation of Delay'. However, in this regard, the Petitioner /concerned litigant is to offer / ascribe sufficient reasons or project sufficient cause or good cause to condone the delay with a view to enable the Concerned Court to take a liberal view with a view to secure the ends of justice.”

5. To be precise, even if the delay is short and there is no proper explanation forthcoming, the delay need not be condoned. Similarly, despite the fact that the delay is enormous, sufficient reasons are given thereunder, the delay can be condoned.

6. In the present case on hand, the delay is also short and sufficient reasons have been given, which are acceptable by us to condone the delay. Hence, MC (Cus.Appl.) No.1 of 2024 is allowed and the delay of 79 days is condoned.

7. Registry is directed to number the appeal, if it is otherwise in order and list the appeal on 05.04.2024.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
06.03.2024
"*Lam* DR-PS"