

GAHC040005232024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C)/67/2024

The State of AP and 2 Ors
represented by the Secretary, Food and Civil Supplies Department, Govt of Arunachal Pradesh, Itanagar 2: The Director

Age:

Occupation :

Food and Civil Supplies Department

Govt. of Arunachal Pradesh

Naharlagun.

3: The Deputy Commissioner

Age:

Occupation :

West Siang District

Aalo

Arunachal Pradesh

VERSUS

M/s Donyi Polo Multi Purpose Cooperative Society Ltd and Anr
Aalo, West Siang District, Arunachal Pradesh represented by its power of Attorney
Holder Shri Jarkar Gamlin. 2: The Food Corporation of India

Age: 0

Occupation :

Represented by the General Manager

(Sr. Regional Manager)

Food Corporation of India

Regional Office

G.S Road

Ulubari

Guwahati

Assam

Advocate for the Petitioner : GA (AP)

Advocate for the Respondent : Tony Pertin

Linked Case : WA/12/2024

The State of AP and 2 Ors

Age: 0

Occupation :

Address:represented by the Secretary

Food and Civil Supplies Department

Govt of Arunachal Pradesh

Itanagar

2: The Director

Age: 0

Occupation :

Address:Food and Civil Supplies Department

Govt. of Arunachal Pradesh

Naharlagun.

3: The Deputy Commissioner

Age: 0

Occupation :

Address:West Siang District

Aalo

Arunachal Pradesh

VERSUS

M/s Donyi Polo Multi Purpose Cooperative Society Ltd and Anr

Age: 0

Occupation :

Address:Aalo

West Siang District

Arunachal Pradesh represented by its power of Attorney Holder Shri Jarkar Gamlin.

2:The Food Corporation of India

Age: 0

Occupation :

Address:Represented by the General Manager

(Sr. Regional Manager)

Food Corporation of India

Regional Office

G.S Road

Ulubari

Guwahati

Assam

Advocate for : GA (AP)

Advocate for : Tony Pertin appearing for M/s Donyi Polo Multi Purpose Cooperative Society Ltd and Anr: Advocate , appearing for 2, respectively.

-BEFORE-

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

HONBLE MR. JUSTICE KARDAK ETE

-O R D E R-

08.08.2024

(A.D.Choudhury,J)

The present application is filed by the State of Arunachal Pradesh under Section 5 of the Indian Limitation Act, 1963 for condonation of delay of 322 days in preferring the connected writ appeal against the judgment and order dated 09.05.2023 passed in IA (C) No. 79(AP)/2023. The aforesaid IA was filed in a disposed of writ petition being WP(C) No. 101/2022. By an order dated 09.06.2022, a direction was issued to the respondent for payment of certain unpaid bills. In the operative paragraph of the said order, an observation was made that if the payment is not made during the period prescribed by the court in the said order, the petitioners shall be entitled to seek interest before the appropriate forum. Accordingly, the writ petition was disposed of. Alleging payment beyond stipulated period, a civil suit was also filed. Subsequently, the IA was filed in the disposed of writ petition seeking clarification as regards the rate of interest and by the impugned order further payment was directed by the learned Single Judge in the IA.

The learned counsel for the writ petitioner has seriously objected and submits that there is no sufficient cause to condone such delay.

We have considered the rival submissions made by the learned counsel for the parties. Also perused the pleadings of the parties.

The delay has been explained in paragraph Nos. 2 and 3 of the connected petition. Though, delay is 322 days and day to day explanation has not been given, considering the matter in entirety and considering the issue involved in the writ petition, this court is of the view that the State has been able to satisfy that it could not approach this court within prescribed period of time in filing the connected writ appeal. Accordingly, the delay is condoned.

IA stands disposed of.

List the connected writ appeal for admission on 13.08.2024 by reflecting the name of the learned counsel for the respondents in the cause list.

JUDGE

JUDGE

Comparing Assistant