



2025:JHC-1 K03:29 1011

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

A.F.R.

MATTERS UNDER ARTICLE 227 No. - 7111 of 2025

Lko. Development Authority Thru. Vice Chairman

.....Petitioner(s)

Versus

Mrs. Nirupama Singh And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Ratnesh Chandra
Counsel for Respondent(s)	:	

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Ratnesh Chandra, the learned counsel for the petitioner – Lucknow Development Authority and perused the records.
2. By means of the instant petition filed under Article 227 of the Constitution of India the petitioner has challenged the validity of an order dated 30.07.2025, passed by the National Consumer Disputes Redressal Commission, New Delhi in First Appeal No.NC/FA/342/2025 titled Lucknow Development Authority Vs. Mrs. Nirupma Singh and another, whereby the petitioner's application for condonation of delay bearing IA-No.8181 of 2025 seeking condonation of delay of 544 days in filing the appeal, has been rejected.
3. In the application for condonation of delay the appellant had pleaded that *“the State Commission had passed its judgment on 23.11.2023 by imposing heavy amount to be paid to the respondent. Due to mistake the learned counsel for the appellant after passing of impugned judgment did not inform to the appellant authority about passing of impugned judgment by the Hon'ble State Commission and due to which timely proceeding could not be done in the aforesaid matter for filing of present appeal against the impugned judgment and order. As soon as the learned counsel had informed to the authority about passing of impugned judgment, the appellant authority had processed the matter for obtaining permission from authorities for filing the appeal in the aforesaid matter. It is submitted that long time was spent in processing the file and obtaining appropriate permission from the concerned authorities. As soon as the permission was obtained, the vakalatnama was issued in favour of*

concerned Advocate for filing appeal before this Hon'ble Commission. After issue of vakalatnama the records/ file of aforesaid matter was handed over to the advocate, thereafter the above appeal was drafted and same is being filed today before this Hon'ble Commission”.

4. The application for condonation of delay was supported by an affidavit of Sri. Atul Krishna Singh, who is presently posted as Deputy Secretary in Lucknow Development Authority, who verified the aforesaid averments to be true and correct to the best of his knowledge and belief.

5. The National Commission recorded in the impugned order that a perusal of the record shows that the State Commission had passed the impugned order on 23.11.2023. A copy of the order was received by the appellant on 06.12.2023 and the appeal has been filed on 02.07.2025. The grounds mentioned for the delay are not convincing enough to condone the delay. Being a consumer dispute such condonation would defeat the purpose of Consumer Protection Act. The National Commission has relied upon the judgment of Hon'ble Supreme Court in the cases of **Brijesh Kumar and others Vs. State of Haryana and others**: 2014 (11) SCC 351, in which the Hon'ble Supreme Court held that: -

“10. The courts should not adopt an injustice-oriented approach in rejecting the application for condonation of delay. However the court while allowing such application has to draw a distinction between delay and inordinate delay for want of bona fides of an inaction or negligence would deprive a party of the protection of Section 5 of the Limitation Act, 1963. Sufficient cause is a condition precedent for exercise of discretion by the court for condoning the delay. This Court has time and again held that when mandatory provision is not complied with and that delay is not properly, satisfactorily and convincingly explained, the court cannot condone the delay on sympathetic grounds alone.”

6. The National Commission has also relied upon the judgment in the case of **Lingeswaran v. Thirunagalingam**: 2022 SCC OnLine SC 2233, wherein it was held that: -

“5. We are in complete agreement with the view taken by the High Court. Once it was found even by the learned trial Court that delay has not been properly explained and even there are no merits in the application for condonation of delay, thereafter, the matter should rest there and the condonation of delay application was required to be dismissed. The approach adopted by the learned trial Court that,

even after finding that, in absence of any material evidence it cannot be said that the delay has been explained and that there are no merits in the application, still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches. At this stage, the decision of this Court in the case of Popat Bahiru Goverdhane v. Land Acquisition Officer, (2013) 10 SCC 765 is required to be referred to. In the said decision, it is observed and held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same.

5.1. *In the case of Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157, in paragraph 14, it is observed and held as under:*

“The law of limitation is founded on public policy. The Limitation Act, 1963 has not been enacted with the object of destroying the rights of the parties but to ensure that they approach the court for vindication of their rights without unreasonable delay. The idea underlying the concept of limitation is that every remedy should remain alive only till the expiry of the period fixed by the legislature. At the same time, the courts are empowered to condone the delay provided that sufficient cause is shown by the applicant for not availing the remedy within the prescribed period of limitation.”

7. The aforesaid judgment has been followed in **Thirunagalingam v. Lingeswaran**: 2025 SCC OnLine SC 1093.

8. Before this court the petitioner has pleaded in para 26 of the petition that “it was for the first time came to the notice of the LDA on 14/12/2023, that the judgment dated 23/11/2023 has been rendered by the State Commission and no sooner the said fact came to the notice of LDA, immediately the process of filing the appeal was initiated and the delay in filing the appeal occurred due to the fact that, being a statutory authority, the Petitioner is mandatorily required to route the proposal for filing the appeal through multiple administrative divisions, including legal, technical and financial branches, for scrutiny, opinion, approval and sanction at various levels of hierarchy. The movement of the file through these compulsory procedural stages, which is beyond the control of deponent, consumed considerable time and thereby occasioned

unavoidable delay in instituting the appeal”.

9. The affidavit in support of the Writ Petition has been filed by Sri. Atul Krishna Singh, Deputy Secretary in Lucknow Development Authority, who has verified the above quoted averments made in paragraph 26 of the petition to be true to the personal knowledge. It is significant to note that the same deponent had filed the affidavit in support of the application for condonation of delay in filing the appeal before the National Consumer Disputes Redressal Commission stating that the learned counsel for the Lucknow Development Authority had not informed the Authority about the judgment passed by the State Commission due to which the appeal against the impugned judgment could not be filed within time.

10. From the aforesaid facts it is clear that the petitioner Lucknow Development Authority has been taking self contradictory stands for the same matter at different stages. In the application filed under Section 5 of Limitation Act before the National Commission it pleaded that the counsel for the appellant had not informed about the order dated 23.11.2023 due to which the proceedings could not be instituted timely. The record before the National Commission revealed that the order dated 23.11.2023 was received by the appellant on 06.12.2023. Before this court the petitioner had pleaded that the order dated 23.11.2023 came to notice of the LDA on 14.12.2023.

11. Apparently, the LDA has been making self contradictory statements on oath and all of them cannot be correct.

12. In **Basawaraj v. Land Acquisition Officer**: (2013) 14 SCC 81, the Hon'ble Supreme Court summarized the law regarding condonation of delay by stating that:—

“15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by

this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.”

13. In **Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy**: (2013) 12 SCC 649, the Hon’ble Supreme Court discussed the law regarding condonation of delay as explained in various precedents and summarized the same as follows:—

“21. From the aforesaid authorities the principles that can broadly be culled out are:

(i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

(ii) The terms “sufficient cause” should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact-situation.

(iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

(iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

(v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

(vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

(vii) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play.

(viii) There is a distinction between inordinate delay and a delay of short duration or few days, for the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.

(ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in

respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.

(x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.

(xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.

(xii) The entire gamut of facts are to be carefully scrutinized and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.

(xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.

22. To the aforesaid principles we may add some more guidelines taking note of the present day scenario. They are:

(a) An application for condonation of delay should be drafted with careful concern and not in a half hazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system.

(b) An application for condonation of delay should not be dealt with in a routine manner on the base of individual philosophy which is basically subjective.

(c) Though no precise formula can be laid down regard being had to the concept of judicial discretion, yet a conscious effort for achieving consistency and collegiality of the adjudicatory system should be made as that is the ultimate institutional motto.

(d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a non-challant manner requires to be curbed, of course, within legal parameters.”

(Emphasis supplied)

14. In **Sheo Raj Singh (Deceased) Through Lrs. v. Union of India**: 2023 SCC OnLine SC 1278, after discussing the various precedents on the issue, the Hon'ble Supreme Court summarized the principles regarding condonation of delay in the following words:—

“29. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of

discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an 'explanation' and an 'excuse'. An 'explanation' is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must however be taken to distinguish an 'explanation' from an 'excuse'. Although people tend to see 'explanation' and 'excuse' as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real. An 'excuse' is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an 'excuse' would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.

(Emphasis added)

15. In **Postmaster General v. Living Media India Ltd.**: (2012) 3 SCC 563, the Hon'ble Supreme Court refused to condone the delay of 427 days in filing the SLP by holding that: -

“27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

* * *

29. In our view, *it is the right time to inform all the government*

bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.”

(Emphasis added)

16. Therefore, in light of the aforesaid judgment of the Hon'ble Supreme Court, the plea taken by the LDA that delay in filing the appeal by it was attributable to the multiple lengthy compulsory procedural stages to which it is subject to by virtue of it being a statutory authority, fails to make out a reasonable explanation for the inordinate delay caused in filing the appeal against the impugned order dated 23.11.2023

17. In paragraph 21, 25 and 31 of the writ petition the petitioner has specifically pleaded that the delay in filing the appeal was attributable to the fault of the previous counsel of the Authority who did not inform the Authority about the passing of the impugned order dated 23.11.2023 and the petitioner should not be made to suffer for it. It has been pleaded that the National Commission therefore should have taken a lenient view in allowing the application of condonation of delay for filing the appeal against the impugned order.

18. In **Rajneesh Kumar v. Ved Prakash**, 2024 SCC OnLine SC 3380, the Hon'ble Supreme Court has observed that: -

“10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame

on the head of the advocate and thereby disown him at any time and seek relief.”

19. The record before the National Commission shows that the order dated 23.11.2023 was received by the appellant on 06.12.2023 whereas before this court, the petitioner has pleaded that the order dated 23.11.2023 came to notice of the LDA on 14.12.2023. Therefore, the plea taken before this Court that the delay occurred because the petitioner's Advocate had not informed about the order dated 23.11.2023, is false. Making two self contradictory statements on oath makes it manifest that the petitioner has approached this Court with a dishonest intention and with unclean hands, which disentitles it to claim the discretionary relief of condonation of delay of 544 days in filing the appeal. When it is apparent on the face of the record that the petitioner has not approached this court with clean hands and has made statements which are contrary to the statements made on oath earlier, it is apparent that the petitioner has not been able to give a sufficient explanation for the inordinate delay of 544 days in filing the appeal and it is merely trying to create an excuse for condonation of delay.

20. In these circumstances, this court finds no good ground to interfere in the impugned order dated 30.07.2025, passed by the National Consumer Disputes Redressal Commission, New Delhi rejecting the application for condonation of 544 days' delay in filing the appeal.

21. The petition lacks merit and the same is accordingly **dismissed**.

(Subhash Vidyarthi,J.)

December 16, 2025

Ram.