

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

**Case No. LPA No. 190/2024 in
WP(C) No. 896/2020
CM No. 5457/2024, 5458/2024**

Pronounced on: 20.04.2026.
Uploaded on: 22.04.2026.

UT of J&K and others

.....Appellant(s)/Petitioner(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Assisting Counsel.

vs

Sandeep Sharma

..... Respondent(s)

Through: Mr. Sachin Gupta, Advocate.

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

**ORDER
20.04.2026**

1. This is an application seeking condonation of delay of 1563 days in assailing the judgment dated 18.03.2020 rendered by the learned Writ Court in WP(C) No. 896/2020 titled "*Dr. Sandeep Sharma vs. UT of J&K and others*".
2. It is stated that pursuant to the directions issued by the Single Judge in CCP(S) No. 166/2021, a Committee was constituted by the Chief Engineer, JKDC vide order dated 22.09.2022 and it was found by the Committee that the consumer, namely, Dr. Sandeep Sharma was billed on Flat Rate basis for the period December, 2018 to February 2019, whereas the consumer was to be charged for demand charges only

(due to locking of installation). Accordingly, the Revised Assessment Sheet was framed after taking into consideration the Demand Charges for three months i.e. December 2018 to February 2019 and instead of flat rate of Rs. 15,73,001/-, a balance of Rs. 7,77,099/- was found to be due. It is further stated the Amnesty Scheme cannot be extended to the respondent, as the period of scheme has already expired and more so, no representation for availing the benefit under the Scheme was submitted by the consumer when the scheme was in vogue. It is also pleaded that the matter was referred to the Administrative Department and as the Amnesty Scheme was closed it was decided to prefer intra-court appeal.

3. The respondent has filed response, thereby stating that the order dated 18.03.2020 was duly served upon the appellants/applicants and despite being aware of the order passed by the learned Writ Court, the appellants/applicants chose to file the appeal after a lapse of four years from the date of the order.

4. **Heard learned counsel for the parties and perused the record.**

5. The record depicts that this application for condonation of delay along with the appeal was filed on 31.08.2024 and admittedly there is delay of 1563 days in filing the appeal. It is admitted by the applicants in the application seeking condonation of delay that a Committee was constituted on 22.09.2022, as a result of which, an amount of Rs. 15,73,001/-, initially payable by the respondent was reduced to Rs. 7,77,099/-. Thus, it is evident that the applicants initially chose to comply with the judgment, however, it appears that suddenly there

was change of heart of the appellants/applicants and they chose to assail the judgment dated 18.03.2020 only in the year 2024. It is stated by the appellants/applicants that detailed compliance report has been filed in the contempt petition.

6. Applicants were well aware about the judgment and even constituted a Committee to comply with the judgment and suddenly thereafter, they decided to assail the judgment.
7. After examining the application for condoning the delay of 1563 days in filing the appeal against the judgment dated 18.03.2020, we find no plausible or convincing reason to condone the inordinate delay.
8. Reliance is placed upon decision of Hon'ble Supreme Court of India in case titled as **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and Ors**, reported in **2025 INSC 1104**, wherein paragraph No. 263, the Supreme Court has held as under:-

“263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.”

9. Accordingly, the application seeking condonation of delay along with the accompanying appeal is **dismissed**, however, the applicants are left free to put forth their case with regard to compliance of the

judgment dated 18.03.2020 rendered by the learned Writ Court, in the contempt proceedings.

10. Disposed of along with the connected applications.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
20.04.2026
Sahil Padha

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No.

