



CNR: KAHC010519342026

NC: 2026:KHC:46101-DB
WA No. 1845 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.1845 OF 2026 (GM-ST/RN)

BETWEEN:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
(REGISTRATION & STAMPS),
ROOM NO.547, 5TH FLOOR,
GATE NO.2, M.S. BUILDING,
BENGALURU - 560 001.
2. THE INSPECTOR GENERAL OF
REGISTRATION AND STAMPS,
STATE OF KARNATAKA,
8TH FLOOR, KANDAYA BHAVAN,
K.G.ROAD, BENGALURU.
3. THE DEPUTY INSPECTOR
GENERAL OF REGISTRATION,
(VIGILANCE) (DEPUTATION),
KANDAYA BHAVAN, 8TH FLOOR,
K.G. ROAD, BENGALURU.
4. THE DISTRICT REGISTRAR AND
DEPUTY COMMISSIONER OF STAMPS, BELLARY,
O/O REGISTRAR OF FIRMS,
STATION ROAD, BELLARY-583 101.

...APPELLANTS

(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE)

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by
MAHALAKSHMI
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Location: High
Court of
Karnataka



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AND:

M/S. BHARATH MINES AND MINERALS,
A REGISTERED PARTNERSHIP FIRM,
HAVING ITS OFFICE AT 101,
1ST FLOOR, PRIDE ELITE NO.10,
MUSEUM ROAD,
BENGALURU - 560 001.
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. SILAS NERELLA.

...RESPONDENT

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS; ALLOW THIS WRIT APPEAL AND SET ASIDE THE ORDER DATED 09.07.2024 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WRIT PETITION NO.32239 OF 2019 (GM-ST/RN).

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The State has filed the present appeal impugning the order dated 09.07.2024 passed by the learned Single Judge of this Court in W.P. No.32239/2019 (GM-ST/RN). The present appeal has been filed after an inordinate delay of 689 days and is accompanied by an application seeking condonation of delay.



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2. A plain reading of the affidavit accompanying the said application indicates that there is no credible explanation for the inordinate delay in filing the present appeal. As could be seen from the affidavit, no immediate steps were taken after the impugned order was passed on 09.07.2024. It was only after a lapse of more than five months, on 18.12.2024, that the Inspector General of Registration has issued a letter to the Additional Government Advocate seeking his opinion as to whether the matter was a fit case for preferring an appeal. By then, the period prescribed for filing the present appeal had already expired. The learned Additional Government Advocate opined that it was a fit case for filing an appeal and forwarded his opinion to the Head of the Legal Cell, Department of Revenue (Registration and Stamps), on 15.12.2025, nearly one year after the opinion was sought. Concededly, in the meantime, no action was taken. Thereafter, the office addressed a communication dated 16.12.2025 to the Inspector General of Registration seeking guidance in respect of refund of the amount. It is stated that thereafter, elaborate discussions were held with the higher officials at various levels and



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ultimately, a Government Order dated 15.06.2026 was issued authorising the filing of the present appeal.

3. We are reminded of the observations made by the Hon'ble Supreme Court in the case of ***Postmaster General and Others v. Living Media India Limited and Others***¹ wherein the Supreme Court, while considering a prayer for condonation of delay on behalf of the Government, observed as under:

"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.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

¹ (2012) 3 SCC 563



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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."

4. Given the inordinate delay and the lack of any credible explanation for the same, we do not consider it apposite to allow the present application. The same is accordingly dismissed. Consequently, the appeal is dismissed as well.

5. Pending interlocutory application also stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**