

Shri Ram Transport Finance Co. Ltd. vs. Raj Kumar

Cr.MP(M) No. 2622 of 2024

Reserved on 14.09.2026

23.09.2026 Present: Mr Sanjay Dalmia, Advocate for the appellant/applicant.

The appellant/applicant has filed the present application for condonation of delay in filing the appeal. It has been asserted that the judgment was delivered on 10.01.2024. The applicant applied for the certified copy on 27.05.2024, which was attested on 15.06.2024 and the certified copy was supplied on 08.07.2024. The copy was sent to the Regional Office for seeking further directions. The Regional Office sought opinion from the branch. It took some time to take a final decision in the matter. There is a delay of 176 days in filing the appeal, which is due to circumstances beyond the applicant's control. Hence, it was prayed that the present application be allowed and the delay in filing the appeal be condoned.

2. No reply to the application was filed.

3. I have heard Mr Sanjay Dalmia, learned counsel for the applicant. None appeared on behalf of the respondent when the matter was listed for consideration; therefore, none could be heard on behalf of the respondent.

4. Mr Sanjay Dalmia, learned counsel for the applicant, submitted that the applicant is a company and has to seek opinions from various offices. The applicant has sufficient cause for the condonation of the delay. The applicant has a very good case on merit, and the appeal is likely to be allowed in all possibilities. Therefore, he prayed that the present application be allowed and the delay in filing the appeal be condoned.

5. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

6. The application mentions that the judgment was delivered on 10.01.2024 and the applicant applied for the certified copy on 27.05.2024. No explanation has been provided as to why the certified copy was not applied for more than 4 months after the delivery of the judgment.

7. The application further mentions that the certified copy was sent to the regional office, which sought opinion from the branch. The date of communication to the regional office and to the branch has not been mentioned.

8. It was submitted that the applicant is a corporation and various agencies have to be consulted before filing the appeal. Therefore, the applicant's case should be distinguished from that of a private person. This submission

will not help the applicant. In similar circumstances, the Hon'ble Supreme Court held in *Postmaster General v. Living Media India Ltd.*, (2012) 3 SCC 563: 2012 SCC OnLine SC 1234 that when no explanation was provided for not applying the certified copy within the prescribed period, there was a delay at every stage and no explanation was provided for the delay, the delay cannot be condoned. It was observed at page 573:-

26. In spite of affording another opportunity to file a better affidavit by placing adequate material, neither the Department nor the person-in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit, which we have already extracted, clearly show that there was delay at every stage, and except mentioning the dates of receipt of the file and the decision taken, there is no explanation as to why such delay had occurred. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.

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 of competent persons familiar with court proceedings. In the absence of a 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.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have a 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 swerved for the benefit of a few.

9. In the present case also, the applicant has not provided any explanation for not applying for the certified copy within the period of limitation and the various steps taken by it after obtaining the certified copy for preferring the appeal. Vague statements have been made regarding sending of the case file to the regional office and seeking clarification from the branch office, which is not sufficient.

10. It was submitted that the applicant has a very good arguable case on merits and the delay should be condoned. Even this submission is not acceptable. The record of the learned Trial Court shows that as per the statement of account (Ext.CW1/B), an amount of ₹9,84,816.50/- was due

on 04.06.2014 and an amount of ₹10,04,531.50/- was due on 27.06.2014. The cheque was issued on 20.06.2014 for a sum of ₹10,50,000/-. The statement of account does not show the liability of the accused for ₹10,50,000/- immediately before issuance of the cheque or even immediately thereafter. Thus, the learned Trial Court was justified in holding that the cheque was not issued in discharge of the legally enforceable debt/liability, which was a reasonable view that could have been taken based on the evidence recorded before the learned Trial Court. Thus, the submission that the applicant has a very good arguable case in its favour cannot be accepted.

11. No other point was urged.

12. In view of the above, the present application fails and is dismissed.

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13. Since the application for condonation of delay has been dismissed, the proposed appeal does not survive and is disposed of.

(Rakesh Kainthla)
Judge

23rd September, 2026
(Nikita)