

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 628 OF 2015
IN
FIRST APPEAL (ST) NO. 32024 OF 2014**

The Executive Engineer,
(O & M)
Sub Division, M.S.E.B.
Udgir, Dist. Latur
Presently Executive Engineer (C)
Maharashtra State Electricity Distribution
Company Ltd. Civil Division, Latur,
Dist. Latur.

...Applicant

versus

Digambar s/o Maroti Muley,
Age: 62 years, Occ: Agri.,
R/o. Kolnur, Tq. Jalkot,
Dist. Latur & anr.

...Respondents

.....
Mr. Sanjay V. Mundhe, Advocate for applicant
Mr. Vikas Kodale, Advocate h/f Mr. V.D. Gunale, Advocate for
respondent No.1.
Mr. G.R. Ingole, A.G.P. for respondent No.2.
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CORAM : N.W. SAMBRE, J.

DATE : 22nd JUNE, 2015

ORAL ORDER :

Heard.

2. Present civil application is moved by applicant for condonation of delay on administrative grounds. According to them, delay is caused in view of shifting of office of Executive Engineer from Osmanabad to Latur in which record pertaining to present

appeal including that certified copy was lost. As such, they were required to apply fresh and delay is caused.

3. Learned Counsel for the non-applicant land owner while objecting the prayer for condonation of delay would urge that delay caused is intentional and malafide. According to him, no special treatment can be given to Government in the matter of condonation of delay. He would urge that delay is not explained and as such, the application for condonation of delay is liable to be rejected.

4. Having perused the application for condonation of delay, it is noticed that the above referred ground of shifting of office is very much pleaded. It is also pleaded that initially after decision in Reference on 13/02/2013, the certified copy received was lost, as such, fresh application was made.

5. In my opinion, there is sufficient cause established before this Court in support of claim of condonation of delay, as such, delay is condoned. The civil application is allowed subject to payment of costs of Rs.3500/- (Rs. Three thousand five hundred) to be paid to non-applicant land owner by the applicant within four weeks from today.

[N.W. SAMBRE, J.]