

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CAF No.580/2014 in First Appeal St. No.22273/2013
 Executive Engineer, Minor Irrigation Division, Washim Vs. Sundarbai Vaghu
 Chawahan and ors.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	<u>Court's or Judge's</u> <u>Orders.</u>
---	---

CORAM : Z.A. HAQ, J
DATE : 14th January, 2015.

Heard Shri A. V. Palshikar, the learned Advocate for the applicant and Ms. Maldhure, the learned AGP for the non-applicant nos. 2 and 3. None appears for the non-applicant no.1.

This is an application filed by the applicant praying for condonation of delay of 1490 days in filing the appeal. The reasons given by the applicant for the delay is in paragraph 2 of the application which are as follows:-

“That the judgment was pronounced on 14.8.2009. The appellant received the demand from office of L.A.O. on 27.9.2011. The Law and Judiciary Department gave its opinion on 30.8.2011. The Standing Counsel at Washim gave his opinion to the office of appellant on 30.11.2011. The Executive Engineer opined to file appeal on 13.3.2012. The Superintendent Engineer opined to file appeal on 21.3.2012. Thereafter the appellant referred the matter to the Legal Advisor of V.I.D.C. The legal Advocate opined to file appeal on 4.7.2012. The Executive Director opined to file appeal on 14.9.2012. Thereafter all the case papers were submitted to Standing Counsel in the month of

October 2012. The Standing Counsel asked for court fee amount in total 29 cases from appellant on 1.11.2012. The court fee amount was paid to Standing Counsel in May 2013. The reasons for condonation of delay were submitted in November, 2013. Thereafter the appeal is filed.”

The casual approach of the Officers of the applicant dis-entitle the applicant from the relief as prayed for in the application. The inordinate delay of 1490 days cannot be condoned on the grounds stated in the application. The application is rejected with costs quantified at Rs. 10,000/- to be paid by the applicant to the learned AGP representing the non-applicant nos. 2 and 3 till 15th April, 2015.

The impugned order directed payment of interest @ 15% per annum from the date of impugned order till the realisation of the amount, which is also overlooked by the concerned officers handling the matter.

The Executive Director, Vidarbha Irrigation Development Corporation shall cause inquiry to be conducted for the lapses on the part of the concerned, in dealing with the matter. The report of inquiry shall be submitted by the Executive Director of V.I.D.C. to the Principal Secretary, Irrigation Department, Government of Maharashtra till 30th June, 2015. The learned Advocate for the applicant shall supply copy of this order to the Executive Director, Vidarbha Irrigation Development Corporation. The learned A.G.P. shall supply copy of this order to the Principal Secretary, Irrigation Department, Government of Maharashtra.

JUDGE

Ambulkar