

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WA.No. 1769 of 2013 () IN WP(C).16748/2013

AGAINST THE JUDGMENT IN WP(C) 16748/2013 of HIGH COURT OF KERALA
DATED 04-07-2013

APPELLANT(S)/PETITIONER:

KATTICKARAN TOWERS OWNERS ASSOCIATION
KATTICKARAN TOWERS, KATTICKARAN ROAD, ERNAKULAM
KOCHI 682 018 REPRESENTED BY ITS PRESIDENT SRI DENSIL JOSE

BY ADVS. SRI. SHYAM SEKHAR K.R.
SRI.P.V.ANIL

RESPONDENT(S)/RESPONDENTS:

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1. COCHIN CORPORATION
REPRESENTED BY ITS SECRETARY
OFFICE OF THE COCHIN CORPORATION, ERNAKULAM 682021.
 2. THE STANDING COMMITTEE (TAX APPEAL)
COCHIN CORPORATION, COCHIN 682021.

BY ADV. SRI.K.ANAND, SC, COCHIN CORPN.
BY SRI.P.K.SOYUZ, SC, COCHIN CORPORATION

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P. CHALY, JJ.

W.A.No.1769 of 2013

Dated this the 8th day of June, 2015

JUDGMENT

Antony Dominic, J.

1.This writ appeal arises from the judgment of the learned single Judge dismissing the writ petition filed by the appellant. In the writ petition, the appellant impugned Ext.P15 order passed by the Tribunal for Local Self Government Institutions declining to condone the delay of 94 days in filing the revision petition. In the judgment under appeal, learned single Judge held that the Tribunal's power to condone delay being limited to one month, the view taken by the Tribunal is consistent with the principles laid down by this Court in Thomas Thomas v. Kottayam Municipality [2008 (4) KHC 26]. On that reasoning, learned single Judge declined to interfere with the impugned order.

2.In this appeal, the question raised is whether the Tribunal could have condoned the delay of 94 days. This question has to be answered in the light of Rule 8 (3) of the Tribunal for Local Self Government Institutions Rules, 1999. As per the proviso to this

Rule, if an appeal or petition is not filed within the time permitted for the said purpose and if the Tribunal is satisfied that the party had sufficient reason for not filing the appeal or petition, as the case may be, within the permitted time, the Tribunal has the power to condone delay up to one month.

3.The restricted nature of this power has been explained by this Court in Thomas Thomas (supra) which judgment was also approved by the Division Bench of this Court in its judgment in W.A.484/09. If this be the law governing the power of the Tribunal to condone delay, obviously, the Tribunal could not have condoned delay of 94 days involved in this case. If that be so, the order of the Tribunal declining to condone delay as prayed for and the judgment of the learned single Judge affirming the same do not call for any interference.

Appeal fails. It is accordingly dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
SHAJI P. CHALY, Judge.

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PS to Judge