

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No. 7044 of 2014 (O&M)
Date of decision: 28.11.2015**

M/s Industrial Progressive India Limited

... Petitioner

versus

Bharat Sanchar Nigam Limited

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Yogesh Saini, Advocate for
Mr. Manoj Bajaj, Advocate for the petitioner.

Mr. Madan Mohan, Advocate for the respondent.

K.Kannan, J.

The revision is against the dismissal of the petition filed under Section 5 of the Limitation Act for condoning the delay of 231 days in filing the appeal. The suit had been decreed in favour of the respondent, for, Rs. 13, 47, 439/- on account of arrears of telephone bills installed at the premises. The delay according to the petitioner was on account of the fact that there had been a change in the management and when the management was reviewing the financial results of April 2011, the new management apprised itself of the pendency of the suit and there had been a delay caused. The contest was that the change in management had taken place in August 2011 and the suit had been disposed of on 14.08.2010 and there was enough time when the appeal could have been filed.

In the manner of presentation of facts there was an utter dishonesty of the counsel for the petitioner making it appear as though the present suit itself was incompetent in respect of the very same cause of action by virtue of the fact that the petitioner had obtained a declaratory relief that the demand made was illegal and for injunction against recoveries. I am informed by the counsel for the

respondents that the said decree was set aside in appeal, confirmed by the High court and SLP was also disposed of by the Supreme Court on 28.05.2012 with certain directions.

There are no bona fides in either the conduct of the appellants/petitioner or the representations made on behalf of the petitioner before this Court. No indulgence could be shown to such a petitioner and I decline to make an interference with the order already passed. The petition is dismissed with costs assessed at 3,500/- against the respondent.

(K.KANNAN)
JUDGE

28.11.2015
kv