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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO (OS) 183/2015**

UNION OF INDIA

..... Appellant

Through : Mr Raisuzzaman for Dr Ashwani Bhardwaj

versus

M/S MANOJ CABLE COMPANY LTD

..... Respondent

Through : None

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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20.04.2015

CM 7002/2015

Allowed subject to all just exceptions.

CM 7003/2015

The delay in re-filing is condoned.

This application stands disposed of.

CM 7000/2015

Although we condoned the delay of 42 days in re-filing, there is still a delay in filing of the appeal of 146 days. Some sort of vague explanation has been attempted to be given for the delay in filing. It is stated that the impugned order was passed on 11.08.2014, which was received by the appellant sometime in the first week of September, 2014. Thereafter, legal opinion was sought which was also received on 15.09.2014 and 10 days later, the counsel was appointed on 25.09.2014. Almost a month later, that is, on 24.10.2014, the file was received by the counsel, who had earlier been appointed. The complete documents were sent to the counsel in the first week of December, 2014, who drafted the appeal on 15.12.2014 and sent the same for approval. The appeal was finally filed on 03.02.2015 after obtaining approval from the competent authority. All this led to a delay of 146 days in filing the appeal. The

only explanation given by the learned counsel for the appellant is that there are procedural requirements in the bureaucratic machinery and that has been the cause of delay. We find the explanation for delay to be entirely vague and devoid of merits. The government cannot be excused. Although courts take a slightly liberal approach whenever the government files an appeal, but it cannot be stretched to such an extent that there is no explanation whatsoever as to why the various departments at various stages in the government have functioned at such a slow pace. This is also in the backdrop of the strict provisions of the Arbitration and Conciliation Act, 1996 which requires speedy disposal of arbitration matters as also challenges to awards. The present appeal is nothing but a continuation of that process and it cannot be said that while the timelines are to be strictly adhered to in the course of the arbitration or the challenge to the award, they have to be completely relaxed whenever an appeal is to be filed.

In view of the foregoing reasons, we do not find any merit in this application for condonation of delay. The same is dismissed.

FAO (OS) 183/2015 & CM 7001/2015

In view of the fact that we have not condoned the delay, the appeal is also dismissed.

BADAR DURREZ AHMED, J

**APRIL 20, 2015
SR**

SANJEEV SACHDEVA, J