

\$~8

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

+ **FAO (OS) 519/2014 & CM 20543/2014**

NORTH DELHI MUNICIPAL CORPORATION

..... Appellant

Through : Ms Mini Pushkarna

versus

M/S HARCHARAN DASS GUPTA CONST. PVT LTD

..... Respondent

Through : Mr Virender Kumar Sharma

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

26.03.2015

CM 20542/2014

This appeal has been filed, admittedly, 47 days beyond the prescribed time of 30 days. The explanation that is given is that the opinion was given by the counsel that an appeal should be filed on 22.09.2014. We must point out here that the appellant sought the opinion from the said advocate on 22.09.2014 itself and the learned counsel had given her opinion on that very date. Thereafter, the present advocate was ultimately issued an engagement letter on 03.11.2014. It is stated that earlier, two other counsel were sought to be engaged, but they refused to take up the case. It is then stated that the appeal was drafted and filed on 10.11.2014.

We are not concerned with the manner in which the appellant (North Delhi Municipal Corporation) manages its affairs. The said appellant is to be treated at par with the other litigants. The appellant knew very well that the appeal was to be filed within 30 days of the impugned order dated 25.08.2014, yet it took its own sweet

time in obtaining an opinion and thereafter engaging a counsel. We do not find that the purported explanation given by the appellant amounts to sufficient cause. We must also point out that the impugned order is also founded on the rejection of the condonation of delay application in re-filing the petition under Section 34 of the Arbitration and Conciliation Act, 1996.

In these circumstances, the appellant ought to have been vigilant in filing the appeal. Consequently, we do not condone the delay in filing the appeal. This application as also the appeal stand dismissed.

BADAR DURREZ AHMED, J

**MARCH 26, 2015
SR**

SANJEEV SACHDEVA, J