

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.1784 of 2008**

Chhattisgarh Infrastructure Development Corporation,
Through : Divisional Manager, Bilaspur (CG)

---- Petitioner**Versus**

1. Shri S.N. Pandey, S/o Shri Tirath Pandey, R/o Seepat Chowk, Manas Mandir, Bilaspur (CG)
2. Prabhat Kaushik, C/o Nagar Panchayat, Sitapur, Distt.Surguja (CG)
3. Chandra Shekhar Pandey, C/o Depot Manager, CIDC, Ambikapur, Distt.Surguja (CG)

---- Respondents

 For Petitioner : Mr.V.R.Tiwari, Advocate
 For Respondent No.1 : Mr.N.K.Vyas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****21/10/2016**

1. Application for review was filed by the petitioner under Section 71 (4) of the Chhattisgarh Industrial Relations Act and since the review was barred by 10 days, application for condonation of delay along with an affidavit was filed.
2. By the impugned order, the Industrial Court in paragraph 7 has recorded that application for condonation of delay has been filed and affidavit has also been filed, but rejected the application thereafter holding that no sufficient cause has been shown. There is no discussion as to why the cause shown by the petitioner is not sufficient cause, whereas it is supported by an affidavit. No counter affidavit has been filed controverting the cause shown by the petitioner for not preferring an application

within time.

3. I have gone through the application for condonation of delay filed under Section 5 of the Limitation Act, in which it has clearly stated that certified copy of the order was received on 14.12.2006, but thereafter certified copy and concerned file was missing from office and was traced out on 10.1.2007 and thereby delay of 10 days has been occurred. Thus, sufficient cause has been shown by filing an application for review and as such, delay in filing the review application deserves to be condoned.

4. The Industrial Court in concluding paragraphs has also stated that no illegality apparent on the fact of record is there, but no specific reason has been recorded and no reasoned order has been passed, therefore, the writ petition is allowed and the order impugned is hereby set aside and delay in filing the review application is condoned. The matter is remitted to the Industrial Court to consider afresh the application for review in accordance with law on its own merit and to pass a reasoned order after hearing both the parties as early as possible preferably within a period of three months from the date of receipt of copy of this order as the matter is old one. No order as to cost(s).

Sd/-

(Sanjay K Agrawal)
Judge

B/-