

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 867 of 2016

1. National Mineral Development Corporation Limited Through General Manager, N.M.D.C. Ltd., Bailadila Iron Ore Project, Deposit No.5 Becheli Distt. Dantewada, Chhattisgarh

---- Applicant

Versus

1. Nagar Panchayat Bade Bacheli, Distt. Dantewada, Through Chief Municipal Officer
2. State of Chhattisgarh, Through Secretary, Local Self Govt. (General Administration) Govt. of Chhattisgarh, Raipur

---- Respondents

For Applicant – Shri Vaibhav Shukla, Advocate.

For Non-applicant No.1 – None, though served as per office note.

For Non-applicant No.2 – Shri Ramakant Pandey, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

06-02-2017

1. Heard on I.A.No.2/2017 for taking additional documents on record.
2. On due consideration, the said application is allowed and the documents annexed with I.A.No.2/2017 are taken on record if otherwise admissible.
3. Also heard on I.A.No.1/2016 for condonation of delay in filing the instant MCC as the instant MCC has been preferred after 221 days of its limitation.
4. It is submitted that the delay is bonafide and unintentional as on account of understanding and error, the P.F. has been filed in W.P.No.1500/97 and till they noticed the fact of wrong deposit of P.F. in another W.P., the delay of 221 days has occurred, hence, the applicant was ready to carry out the order passed by this Court in W.P.No.1245/2001 dated 22-02-2016 but on account of bonafide mistake the delay and also the non-compliance has occurred. With this, the delay may be condoned and the matter may be disposed of accordingly.
5. On due consideration, after perusal of the entire material this Court is of the considered view that the applicant has satisfied the delay of 221 days in

filing the instant MCC. Consequently, I.A.No.1/2016 is hereby allowed and the delay of 221 days is hereby condoned.

6. The MCC is admitted for consideration.

7. Also heard the matter finally.

8. From perusal of the office note dated 24-02-2016, it appears that instead of paying P.F. in W.P.No.1245/2001 by mistake the applicant had filed the P.F. in W.P.No.1500/97 though there was no any order to pay P.F. in said W.P.No.1500/97. In both the matter the applicant and the counsel are the same. It appears that on account of bonafide mistake, P.F. has been paid in W.P.No.1500/97 otherwise it was for W.P.No.1245/2001.

9. On due consideration and also with the submission on behalf of the applicant that they will file P.F. as required vide order dated 22-02-2016 within two weeks from now, the instant MCC is hereby disposed of with a pre-condition that if the applicant deposits P.F. in W.P. No.1245/2001 as per order dated 22-02-2016 within two weeks from now, said W.P.1245/2001 dismissed on peremptory order be restored to its original number. If the applicant fails to deposit the P.F. within two weeks from now, then the order passed in the instant MCC shall lose its efficacy. With this condition, the MCC is hereby disposed of and allowed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE