

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-6879-C of 2017 in/&
RSA-2588-2016 (O&M)
Date of decision: 15.05.2017

Dakshini Haryana Bijli Vitran Nigam Ltd. & ors. Appellants

vs.

Krishna Devi Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.K.Sharma, Advocate
for the appellants.

Mr. Ashok Kr. Jindal, Advocate for
Mr. Sanjay Mittal, Advocate
for the respondent.

Rajiv Narain Raina, J.(Oral)

CM No.6879-C of 2017

This is an application under Section 5 of the Limitation Act for
condonation of delay of 111 days in filing the present appeal.

For the reasons given in the affidavit in support of the
application under Section 5 of the Limitation Act, 1963 for delay of 111
days in filing the present appeal by the appellant is contained in sum total in
para 2 and 3 of the application, which are reproduced as under:

*“2. That due to the administrative reasons, the delay of
111 days occurred in filing the present appeal as in the process
of approval of filing the present appeal from the Head Office,
delay of 111 days occurred.*

*3. That the above said delay in filing the appeal is
neither intentional nor willful, rather the same is due to the
reasons mentioned above.”*

These words can hardly be treasured as an explanation for the delay in filing the appeal. The Supreme Court in ***Office of the Chief Post Master General & ors. v. Living Media India Ltd. & Anr., 2012(2) S.C.T.269*** has observed on delay in filing appeals etc. by the State and its agencies as under :

“13. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

Keeping in view the aforesaid, I am of the view that the explanation for condonation of 111 days of delay in filing the appeal offered by the appellant is not worth acceptance.

Accordingly, the present application and therefore, the main
appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

15.05.2017
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| 1. Whether speaking/non-speaking? | Yes/No |
| 2. Whether reportable? | Yes/No |