

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4334 of 2017 (O&M)
Date of Decision: 12.09.2017

Bharat Sanchar Nigam Limited

... Appellant

Versus

The Punjab State and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. D.R. Sharma, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

A delay of 74 days in filing the appeal has been explained in the affidavit in support of the application under Section 151 CPC in the following words:-

“2. That the certified copy of Judgment and decree dated 10.05.2016 passed by the Ld. Additional District Judge, Amritsar was applied on 11.05.2016 and prepared by the Copying Agency on 04.06.2016 and delivered on 06.06.2016 to the Counsel of the Appellant. The Counsel supplied the same to the Appellant along with legal opinion dated 09.06.2016. Thereafter, the matter remained under consideration with quarters concerned including the B.S.N.L. Headquarters. The Appellant contacted the present Counsel at High Court on 20.09.2016 who sought the complete record of the trial court and appellate court. Thereafter, the record as available with the office of appellant was provided to the counsel who drafted the appeal. After vetting and approval of the appeal the accompanied R.S.A. has been filed. In the process delay of 74 days has occurred in filing the instant Appeal. ”

The application has been filed casually not citing provisions of

Section 5 of the Limitation Act, 1963.

This stock defence on the part of the agency of the Government is unacceptable as explanation for sufficient cause for filing the appeal belatedly and explanation of this kind has been severely criticized by the Supreme Court in Office of the Chief Post Master General & ors. v. Living Media India Ltd. & Anr., 2012(2) S.C.T. 269 where their Lordships have observed 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.”

In view of the above, the application for condonation of delay in filing the appeal, the application for condonation of delay of 255 days in refiling the appeal, as well as main appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

12.09.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No