

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 568 of 2015**

Manish Travels, through Proprietor, Manish Jain, S/o Bhagchand Jain, aged about 42 years, R/o Padmanabhpur, Tahsil and District – Durg (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Department of Transport, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Additional Regional Transport Officer, Durg (C.G.)

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For State	:	Shri Anand Dadariya, Deputy Advocate General.

Order On Board

17/04/2018

(1) The petitioner's appeal preferred under Section 20 of the Chhattisgarh Motoryan Karadhan Adhiniyam, 1991 (henceforth "Adhiniyam,1991") has been dismissed as barred by limitation by the impugned order.

(2) Learned counsel for the petitioner would submit that the sufficient cause was shown in preferring the appeal as he could not arrange the amount of Rs.4,68,000/- for depositing the tax amount and, therefore, he could not prefer appeal by depositing the said amount and as soon as amount of Rs.4,68,000/- has been arranged, appeal has been preferred by depositing the same and, therefore, impugned order is liable to be set aside.

(3) Per contra, counsel for the State would submit that order impugned is strictly in accordance with law, which does not call for any interference.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and gone through the record with utmost circumspection.

(5) By virtue of Section 29(2) of the Limitation Act, 1963, Section 5 of the Limitation Act would be applicable in the present case and, as such, delay can be condoned in filing the appeal. In the considered opinion of this Court, sufficient cause has been shown by the petitioner in preferring the appeal, as the amount of Rs.4,68,000 could not be arranged by the petitioner for depositing the tax amount and immediately when the said amount was arranged, the petitioner preferred appeal under Section 20 of the Adhiniyam, 1991.

(6) In view of above, the impugned is set aside. The matter is remitted back to the appellate authority to consider and dispose of the appeal on its own merit in accordance with law expeditiously preferable within a period of 45 days from the date of receipt of certified copy of this order.

(7) Accordingly, the writ petition is allowed to the extent sketched hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-