

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1965 OF 2018
IN CEAST/6704/2017**

**M/S RAJ AUTO THR ITS PROPRIETOR
HEMANT CHANDANMAL KHIVANSARA, AURANGABAD ... APPLICANT**

VERSUS

**UNION OF INDIA THR PRINCIPAL SECRETARY,
MINISTRY OF FINANCE, SOUTH BLOCK,
NEW DELHI AND OTHERS ... RESPONDENTS**

...
Mr.S.M. Godsay, Advocate for the applicant
Mr.D.S. Ladda, Advocate for the respondents

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.**

DATED : 13.06.2018

P.C. :-

Heard Mr. S.M. Godsay, learned counsel appearing for the applicant/appellant.

2. At the outset Mr.S.M. Godsay submits that certain typographical errors are occurred in the application and prays for amendment in the application by correcting those typographical errors occurred in para No.3, namely, deleting the word 'mobile' and correcting the word 'ground' by substituting the word 'round'.

2. Mr. S.M. Godsay, learned counsel appearing for the applicant/appellant then by inviting our attention to the grounds raised in the application more particularly para No.2 and submitted that though the applicant approached the learned counsel for seeking legal advice, there was a difference of opinion between the learned counsels. As such the applicant/ appellant was not in a position to take a decision for sometime. Then there was also some financial constraint.

3. Mr. S.M. Godsay, learned counsel appearing for the applicant/appellant submitted that the delay caused is bonafide and unintentional and the appellant has raised the substantial grounds in the appeal.

4. Mr. D.S. Ladda, learned counsel appearing for the respondents opposes the application on ground that the delay is not properly explained. He also submitted that the applicant/appellant was represented to a learned counsel in the proceedings before the Tribunal and as such it cannot be said that the applicant/appellant was unaware of the fact of the proceedings.

5. In view of the submissions of Mr.S.M. Godsay learned counsel and for the reasons stated in the

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application, we allow the application and condone the delay. The Civil Application is disposed of accordingly. Post the appeal for admission after two weeks i.e. in 27.06.2018.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]