

\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+

FAO 150/2018

M/S VAYUDOOT MULTI SERVICES PVT LTD. Appellant
Through: Mr. Rakesh Kumar, Advocate.

Versus

DURGA DEVI & ORS. Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

24.04.2018

CM No. 16006/2018 (for delay of 137 days in filing)

This application seeks condonation of delay of 137 days in filing the appeal. The application is misconstrued, because the delay is not of 137 days only. The time has to be calculated from 30 days after the compensation order was passed on 12.08.2016. The appellant had participated in the proceedings before the Commissioner Employees' Compensation, it knew fully well about the case; it chose not to pursue the matter any further; hence, it is deemed to have knowledge of the same. According to the Registry, there is a delay of 555 days, which is not even mentioned in the application. The only explanation is that the appellant has two offices – one in Delhi and the other in Mumbai and due to inadvertence, the impugned order of 12.08.2016 was not forwarded to the registered office of the appellant at Mumbai; therefore, appropriate instructions could not be issued for appellate remedies. This is an untenable explanation and it cannot

be countenanced in law. There is no justification in the application. Furthermore, for condonation of delay each day's delay, has to be justified. The bare explanation contained in para 3 is no justification of the long delay of 555 days. It lacks substance. Accordingly, it is dismissed.

FAO 150/2018 & CM Nos. 16005 & 16007 of 2018

In view of the above, the appeal is dismissed. The pending applications also stand dismissed.

NAJMI WAZIRI, J.

APRIL 24, 2018

sb