

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 811 OF 2015
IN
FIRST APPEAL (ST.) NO. 14316 OF 2014**

Employees State Insurance Corporation
& Ors.

.. Applicants

Vs.

M/s. Jyoti Gas Distributors

.. Respondent

Mr.P.M. Palshikar, Advocate for applicants.

Mr.Netaji Gawade I/b Sanjay Udeshi & Co. for respondent.

**CORAM : N.J. JAMADAR, J.
DATE : 13TH MARCH 2019**

P.C.

1 Heard Shri Palshikar, the learned counsel for applicants and Shri Gawade, the learned counsel for respondent.

2 This is an application for condonation of 52 days delay in filing appeal against the judgment and order passed by the learned Judge, Employees Insurance Court, Mumbai on 18th November 2013 in Application (ESI) No. 21 of 2006.

3 It is averred in the application that the delay occurred as the administrative approvals and procedural formalities for preferring the appeal were required to be completed.

4 The learned counsel for the respondent opposed the prayer for condonation of delay being granted. It was submitted that the applicants have not satisfactorily accounted for each and every days delay.

5 The applicant No.1 is an instrumentality of the State. Some latitude is required to be given for the impersonal nature of the administrative decision making machinery. It would be in the interest of justice to decide the *lis* on merits. Thus, I am inclined to allow the application.

6 The application is allowed. The delay in filing the appeal against the impugned order stands condoned. The appeal be registered.

7 The civil application accordingly stands disposed of.

[N. J. JAMADAR, J.]