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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 834 OF 2019**  
**IN**  
**CRIMINAL APPEAL (St.) No. 736 OF 2019**

Union of India ... Applicant  
Vs.  
M/s. Shapoorji Pallonji & Co. Pvt. Ltd. & Anr. ... Respondents

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Mr. Hiten S. Venegaonkar, for the Applicant.

Mrs. S. V. Sonawane, APP for the Respondent-State.

Mr. Gaurang Mehta a/w S.A. K. Najam-es-sani I/b Maneksha & Sethan, for Respondent No. 1.

Mr. Mikhail Behl a/w K. G. Mhatre a/w. Ms. Neha Dave i/b Mhatre & Associates, for Respondent No. 2.

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**CORAM : INDRAJIT MAHANTY, &  
A. M. BADAR, JJ.**

**DATE : JULY 29, 2019**

**PC :**

1. This is an application for condonation of delay of 59 days caused in preferring the appeal, challenging the order dated 17.1.2019 passed by the Appellate Tribunal, New Delhi. The appeal is filed by the Union of India through its Dy. Director, Director of Enforcement, Mumbai Zone-I.

2. Heard the learned counsel for the Applicant, so also the

learned counsel appearing for Respondent No. 1 and learned counsel for the Respondent No. 2. The learned counsel for the Respondent No. 2 fairly submitted that he had no objection for condoning the delay. The learned counsel for Respondent No. 1 opposed the application, contending that the decision challenging, the impugned order as seen, was taken in April, 2019 when the limitation has expired. The learned counsel drew our attention to the averments made in the application by the Applicant in order to demonstrate that no sufficient cause is shown for filing the appeal belatedly.

3. We have considered the submissions so advanced. We have also perused the reply to the application filed on behalf of Respondent No. 1.

4. The Applicant desires to challenge the order dated 17.1.2019 passed by the Appellate Tribunal by filing statutory appeal, as provided under S. 42 of Prevention of Money Laundering Act. The Appellant is a State, and the proposal for deciding whether the applicant needs to challenge the order or not has to go through various authorities. This is reflected in the

instant application.

5. In the matter of *Collector, Land Acquisition, Anantnag and Anr. vs. Mst. Katiji and Ors.*<sup>1</sup>, condonation of delay was allowed as State works slower than a private party, holding that liberal approach is called for. We are of the considered opinion that the Applicant is seeking to impugn the order by filing the appeal, which is statutorily provided for. The reasons stated in the application, in our opinion, constitute sufficient cause, and therefore, the application is allowed, and the delay caused in filing the appeal is condoned. Criminal application is accordingly allowed and disposed of.

Sd/-  
[A. M. BADAR, J.]

Sd/-  
[INDRAJIT MAHANTY, J.]

Vinayak Halemath

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<sup>1</sup> 1987 AIR SC 1353