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

+ **W.P.(C) 8216/2019**

NILA BAUART ENGINEERING LTD

..... Petitioner

Through: Mr Pradhuman Gohil and Ms Ranu
Purohit, Advocates.

versus

**APPELLATE AUTHORITY, MINISTRY OF AGRICULTURE
& FARMERS WELFARE & ANR.**

..... Respondents

Through: Mr Vishal Mittal, Sr. Panel Counsel
for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.07.2019

1. The petitioner has filed the present petition impugning an order dated 05.04.2019 passed by respondent no.1 (the Appellate Authority, Ministry of Agriculture & Farmers Welfare) in an appeal preferred under Section 99 of the Multi State Cooperative Societies Act, 2002. The petitioner had preferred the said appeal against an order dated 10.11.2016 passed by the Liquidator, Petrofils Cooperative Ltd., Vadodara, Gujarat for recovery of a sum of ₹87,74,571.88/- alongwith 21% interest from 11.04.2001, from the petitioner. It the petitioner's case that the petitioner did not receive the notice for the said demand and he was not aware of the said proceedings. It is claimed by the petitioner that the petitioner became aware of the proceedings before the Liquidator on 01.02.2017, that is, after the order for recovery had already been passed.

2. It is seen that the petitioner's appeal was not entertained on account of delay. The Appellate Authority had noticed that the petitioner had, admittedly, become aware of the order dated 10.11.2016 on 01.02.2017 (that is after eighty-two days of the passing of the said order). Nonetheless, the petitioner did not file the appeal within time and preferred the same on 03.07.2018, that is, more than six hundred days after passing of the order and more than five hundred and eighteen days of the petitioner becoming aware of the same.

3. In terms of Section 99(2) of the State Cooperative Societies Act, 2002, the appeal is required to be filed within a period of sixty days. Thus, indisputably, the petitioner's appeal was inordinately delayed.

4. The Appellate Authority also found that the petitioner had not indicated sufficient grounds for condonation of such delay.

5. The Appellate Authority had, after hearing the petitioner on its application for condonation of delay, had also afforded the petitioner an opportunity to file the written submissions by 15.02.2019. The written submissions were also not filed within time; the same were filed after a delay of forty-two days from the expiry of the time provided to the petitioner for the said purpose.

6. Neither the said written statements nor the petitioner's application for condonation of delay are on record. It is noticed that the present petition has also been filed after more than three months from the passing of the impugned order.

7. In the given facts and circumstances, this Court is not persuaded to accept that the order passed by the Appellate Authority suffers from

infirmity.

8. In view of the above, the petition is dismissed.

VIBHU BAKHRU, J

JULY 30, 2019
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