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

+ **FAO(OS) (COMM) 299/2018**

UNION OF INDIA

..... Appellant

Through: Mr. T.P. Singh, Advocate.

versus

M/S ANS CONSTRUCTION LTD

..... Respondent

Through: Mr. Sushil Aggarwal, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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05.03.2020

C.M. No. 40602/2019 (by the appellant for restoration)

1. Notice was issued to the respondent on this application on 18.9.2019. While issuing notice, it was directed that it shall be indicated that a reply, if any, be filed to the application within two weeks with a copy to counsel for the applicant/appellant, who may file a rejoinder thereto within two weeks thereafter.

2. Today appearance is entered by learned counsel for the respondent, who states that he may be granted more time to file a reply. We are not inclined to grant any further time to the respondent to file a reply, when it was served with a notice of the present application as long back as on 06.11.2019.

3. On a perusal of the averments made in the application filed by appellant/UOI, we find that no material particulars of the case which had kept the counsel for the appellant busy before DB-I have been mentioned. To top it all, the affidavit filed in support of the application is that of the Executive Engineer of CPWD who is based in Lucknow and was not even present in Court on the date, when the appeal was dismissed. If the explanation offered in the application relates to the counsel on record, then it was for learned counsel to have filed his personal affidavit.

4. At this stage, counsel for the appellant states that he may be permitted to file his personal affidavit in support of the averments made in the application with the details of the matter that had kept him engaged before DB-I on the date in question. Needful shall be done within two weeks with a copy to counsel for the respondent, who is given leave to file a reply to the application and the affidavit within two weeks thereafter.

5. List on 31.7.2020.

HIMA KOHLI, J

ASHA MENON, J

MARCH 05, 2020

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