

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 2660 of 2019 (O&M)

Date of Decision: 19.02.2020

Haryana Vidyut Prasaran Nigam Limited and others

...Appellants

Vs.

Dharampal

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S. Lalli, Advocate
for the appellants.

RAJIV NARAIN RAINA, J. (Oral)

1. There is a delay of 55 days in filing the appeal by the Haryana Vidyut Prasaran Nigam Limited/appellant. The explanation offered is as follows:-

“3. That the impugned judgment and decree was passed on 21.12.2018 by the Court of Sh. Ravi Kumar Sondhi, District Judge, Gurugram. Thereafter the certified copy of the same was applied on 05.01.2019 after the opening of the Court after winter vacations. The same were delivered on 16.01.2019.

4. That thereafter, it has been decided to file regular second appeal on 01.04.2019 and counsel was get engaged. 5. That thereafter the file was sent to the counsel for preparing the appeal. But the lower Court record was not available, therefore, the counsel advised the concerned office to bring the relevant record of Trial Court, which was provided on 26th April, 2019. Accordingly, the case was prepared and was again sent for vetting and signatures of competent authority.

6. That in this process, a delay of 55 days has taken place which is intentional and is due to administrative exigencies as explained above. So it will be in the interest of justice that delay of 55 days in filing the appeal may kindly be condoned.”

2. I hardly find the above explanation to be sufficient cause for delay in filing the appeal by the Nigam which has all the wherewithal and the counsel at their command to file appeals within the prescribed period of limitation.

3. At the same time this Court cannot ignore the principle involved in condoning delays in approaching Court in appeals being as ever liberal as law permits, which consideration instructs that there should be “sufficient cause shown” and reasonable explanation for the delay which is condonable and acceptable by any person of ordinary prudence for accepting the reasons which have caused the delay being unintentional and beyond control.
4. The Supreme Court in Office of the Chief Post Master General & ors. v. Living Media India Ltd. & Anr., 2012(2) S.C.T. 269 has observed as under :

“13. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

5. In view of the above, the application for condonation of delay in filing the appeal as well as main appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

19.02.2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No