

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
901 CIVIL APPLICATION NO.8672 OF 2020
IN WP/10085/2019**

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION LTD
(CIDCO) AND ANOTHER ..APPLICANTS

VERSUS

VIJAYSINGH VITHALSINGH PARDESHI
AND OTHERS ..RESPONDENTS

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Mr. Shekhar Naphade, Senior Advocate i/by Mr. Anil S. Bajaj, Advocate for the Applicant.
Mr. S. R. Yadav Lonikar, AGP for Respondent Nos.7 to 10.
Mr. D. P. Palodkar, Advocate for Respondent Nos.1 to 6.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 5th FEBRUARY, 2021.

PER COURT:-

1. The present civil application is filed seeking condonation of delay of 179 days in filing Review Application of the order dated 13.08.2019 passed by this Court in writ petition filed by the present non-applicants.

2. We have heard Mr. Naphade, learned senior Advocate for applicants and Mr. Palodkar, learned Advocate for non-applicant nos.1 to 6. The learned A.G.P. appears for respondent nos.7 to 10.

3. The ground put forth in the application for condonation of delay is that the order passed

by this Court on 13.08.2019 in the writ petition was brought to the notice of the Managing Director only on 13.11.2019 and thereafter, the Committee was constituted to look into the matter. The decision was subsequently taken to file the Review. The contention is that the settlement is made with the non-applicant nos.1 to 6 in connivance with the then Chief Administrator (New Towns). The then Chief Administrator (New Towns) has acted beyond his authority without knowledge of the Board of Directors causing heavy financial burden upon the applicant.

4. According to Mr. Palodkar, learned counsel for non-applicant nos.1 to 6 the contents of the application for the condonation of delay are ex-facie erroneous. The file was received in the office of the Managing Director on 30.08.2019. He sat over the file. Mr. Palodkar, learned counsel sought to demonstrate that the grounds raised for condonation of delay are erroneous and not in tune with the facts on record. The learned counsel also contended that no ground exists for filing Review Application much less condonation of delay.

5. It is trite that while entertaining the application for condonation of delay the merits of the matters are not required to be considered. The merits of the Review would certainly be looked into vis-a-vis the case put forth by the non-applicants on its own merits while deciding Review

Application. The grounds are put forth about the Managing Director not possessing knowledge of the order passed by this Court on 13.08.2019 until 30.11.2019.

6. Whenever technical considerations and cause for substantial justice are pitted against each other, cause for substantial justice has to be subserved. The applicants would not stand to gain in causing delay. The delay caused appears to be unintentional. For the applicants to have an opportunity to put forth its matter in Review and also considering the reasons given for condonation of delay in the instant application, we condone the delay and allow the application for condonation of delay in filing Review Application.

7. Civil Application is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE