

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-23363-2021

Date of decision: 24.11.2021

M/s Sidhartha Gelatines Private Limited

..... Petitioner

versus

Union of India and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Surjeet Bhadu, Advocate
for the petitioner.

AJAY TEWARI, J (ORAL)

Notice of motion.

On the asking of the Court, Ajay Kalra, Senior Standing Counsel, accepts notice on behalf of the respondents.

By this petition, the petitioner has challenged the order, i.e. Annexure P2, dismissing an appeal filed by the petitioner on the ground of limitation.

The primary contention of learned counsel for the petitioner is that the order Annexure P1 (against which appeal was filed) was passed on 02.03.2020 and the appeal which should otherwise have been filed on 01.06.2020, but actually filed on 08.07.2020. The Appellate Authority, however dismissed the appeal on the ground that nothing has been mentioned what difficulty faced by the petitioner due to corona virus.

Learned counsel has relied upon the orders of Supreme Court of India, titled as '*Suo Motu Writ Petition (Civil) No(s).3/2020*' (Annexure P-6) and states that as per these orders, the appeal could not have been dismissed on account of limitation.

Learned counsel for the respondents is not in a position to justify the infraction of law by the Appellate Authority.

In the aforesaid facts and circumstances, this petition is allowed and the impugned order is set aside. The matter be remanded to the Appellate Authority to decide the application for condonation of delay afresh, in view of orders (Annexure P6).

For this purpose the petitioner is directed to appear before the Appellate Authority on **06.12.2021**.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(PANKAJ JAIN)
JUDGE

24.11.2021
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No