

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.508 OF 2019
IN
FIRST APPEAL (ST) NO.25759 OF 2019

M/s.Hindustan Petroleum Corporation Ltd. ...Applicant

IN THE MATTER BETWEEN

M/s.Hindustan Petroleum Corporation Ltd. ...Appellant

Versus

Shri.Jagdish Kalatharakal Maroli & Ors. ...Respondents

Mr.Lancy D'Souza a/w Ms.Deepika Agarwal and Mr.V.M. Parkar,
for the Applicant.

Ms.Rina Kundu, for Respondent No.1.

Ms.Jyoti Bajpayee for Respondent No.4.

CORAM : S.G. DIGE, J.

DATE : 6 DECEMBER 2022

P.C:-

. Heard learned counsel for the Applicant and the
learned counsel for the Respondents.

2. The learned counsel for the Applicant submits that
the Applicant is Government undertaking Company. There is
delay of 157 days for filing the Appeal. The said delay is caused
due to taking permission from the Higher Authority.

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3. The Applicant filed an Application for getting certified copies lately, hence, requested to condone the delay.

4. Heard, the learned counsel for the Respondent Nos.1 and 4, strenuously objected to condone the delay on the ground that there is no proper reasons are given for condonation of delay. The delay caused is deliberate the Tribunal has considered all the facts on merits and the Tribunal has passed the order, hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Tribunal has awarded compensation against the Applicant/Appellant. It is contention of the Applicant/Appellant that the Appellant has sold offending vehicle in public auction. Hence, liability of the Applicant/Appellant would not arise. The Applicant/Appellant is Government undertaking Company delay is caused for taking permission from the Higher Authority. In my view, it is reasonable reason to condone the delay and as per the principles of the natural justice it is necessary to give fair opportunity to put their side. Hence, I pass following order.

ORDER

- (i) The Interim Application is allowed.
- (ii) Delay of 157 days is condoned.
- (iii) Appeal be registered.

7. Liberty to file compilation of the documents.
8. First Appeal is stand over to 15 December 2022.

(S.G. DIGE, J.)