

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO.5527 OF 2023

ANIL HARISHANKAR AGRAWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. Deshpande Chaitanya Chandrakant
AGP for Respondent/State: Mr. N. T. Bhagat
Advocate for Respondent No.4: Mr. M. R. Malpani

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09th NOVEMBER, 2023

PER COURT:

1. Heard.

2. The appeal is filed by the petitioner under section 6(f) of the Explosives Act, 1884 along with application for condonation of delay of 131 days. The petitioner had given grounds of condonation of delay, wherein the order challenged is dated 22.04.2022 and that he was unwell from 02.05.2022 to 30.08.2022. The appeal is filed on 21.09.2022.

3. For the reasons stated, more particularly, the medical ground, I deem it

appropriate that the delay needs to be condoned and the matter be remitted back to the authority to consider the same in accordance with law. The approach in condoning the delay need not be so strict and some latitude will have to be given. The delay is not major and the substantial rights of the appellant would be lost in the event the delay is not condoned.

4. The impugned order dated 14.12.2022, passed by the Divisional Commissioner, Nashik is set aside and the matter is remanded back to the authority to decide the same on merits in accordance with law.

5. The writ petition stands disposed of.

6. The parties to act upon the authenticated copy of this order.

[ARUN R. PEDNEKER, J.]

marathe