

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13771 OF 2023

IN

WRIT PETITION NO.2278 OF 2007

The Chief Executive Officer & Anr.

.. Applicant

Vs.

The State of Maharashtra & Ors.

.. Respondents

- Mr. Vivek Rane i/b. Mr. A.R. Kapadnis, for the Applicant.
- Mr. Rajaram V. Bansode, for Respondent Nos.2 to 7.
- Ms. M.S. Bane, AGP for Respondent-State.

CORAM : SUNIL B. SHUKRE &

S.M. MODAK, JJ

(IN CHAMBER)

DATE : 1st AUGUST, 2023.

P.C.

1. Heard.

2. Having regard to the reasons stated in the application, we are of the view that sufficient cause has been shown by the review petitioner to enable this Court to condone the delay. Learned counsel for the respondents showing his stiff resistance to the review application submits that no justifiable cause has been putforth by the review petitioners so as to condone the delay. With due respect to him, we disagree. After all, while considering such applications filed by the

State or its instrumentality or local authorities, one cannot be unmindful of the factor of the bureaucratic working of State machinery or local authorities where some delay on the part of each of the members of the bureaucracy is endemic. In an organization structured on bureaucratic lines, there is a division of labour and distribution of functions and duties amongst various components with each component entrusted with only a limited job. In such a set up, therefore, some delay may occur and whenever it does occur, ordinarily it cannot be presumed to be deliberate and intentional, unless it is shown to be such. In the present case, we have not come across any such circumstance and we have not been shown any fact which would compel us to hold that the delay which has occurred in the present case was deliberate. Therefore, we are of the view that this application deserves to be allowed and it is allowed accordingly. The review petition be registered.

[S.M. MODAK, J.]

[SUNIL B. SHUKRE, J.]