

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.8463 OF 2022

(STEEL AUTHORITY OF INDIA...VS.. UNION OF INDIA, THR. GM CST, MUMBAI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Kunal Nalamwar, Advocate for Petitioner.
Ms Mugdha Chandurkar, Adv. h/f. Shri N.S.Deshpande, ASGI for Respondent.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 09, 2023.

1. In this writ petition the order dated 20/12/2018 passed by the Railway Claims Tribunal, Nagpur is under challenge, whereby the application moved by the petitioner to condone the delay in filing the restoration of the claim application was dismissed for want of prosecution vide order dated 08/12/2016.

2. The delay is of one year and eight months. When the application was listed before the Tribunal, none appeared on behalf of the petitioner-company. Despite the said fact the learned Tribunal has taken into consideration the cause shown by the petitioner in the application while explaining the delay. The said explanation was found to be vague and evasive and not sufficient cause as is required to condone the delay. The only ground taken by the petitioner-company was non-appointment of the Authorized Officer to conduct the case. The said reason shows gross negligence and inaction on the part of the petitioner-company.

3. At this stage, it is pertinent to note that the claim application of the petitioner was dismissed for want of prosecution and while filing the restoration application, the application for condonation of delay was filed and even when the said application was heard none appeared on behalf of the petitioner.

4. Thus, considering the conduct of the petitioner-company, I am of the opinion that the learned Tribunal has rightly rejected the application and no interference is warranted in this case.

5. Accordingly, the writ petition is **dismissed**. No order as to costs.

JUDGE

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