

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.3 OF 2022

IN

STAMP NUMBER MAIN NO.1318 OF 2020 (F)

UNION OF INDIA, MINISTRY OF HEALTH
AND FAMILY WELFARE, REP. BY DRUGS
INSPECTOR

... APPLICANT

Versus

BIOCON LTD., AND 2 ORS

... RESPONDENTS

Ms. Susan Linhares, standing counsel for the Applicant.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 17th September, 2024

P.C.

1. Heard Ms. Linhares learned standing counsel for the Applicant.
2. Though, the Respondent is served, none present.
3. The present application is for condonation of delay of 184 days for filing an application for leave to appeal.
4. Ms. Linhares submits that the impugned order was passed on 30.10.2019 and after obtaining the certified copy, an appeal along with an application ought to have been filed on 09.02.2024.
5. Ms. Linhares submits that the delay is mainly because of obtaining approval from the concerned authorities situated in Delhi and the file has to be processed by several officers which requires time.
6. Ms. Linhares submits that somewhere in March 2020 the

lock-down started and an appeal was filed along with the present application, immediately after the first lock-down was lifted.

7. She submits that there is no sufficient ground mentioned along with an affidavit of the concerned officers and since there is no reply affidavit filed on behalf of the Respondent, the reason is sufficient to condone the delay.

8. Admittedly, the impugned order was passed on 30.10.2019 and the certified copy was handed over on 11.11.2023. Accordingly, an appeal ought to have been filed on 09.02.2020. However, the reason discussed in para 6 and 7 of the application would clearly go to show that after the certified copy was received, the file was forwarded to the Delhi Office and thereafter, the approval was received.

9. In the meantime, the Covid Pandemic started and since there was a complete lock-down, the appeal could not be presented.

10. The reasons disclosed in the present application supported by the affidavit is sufficient enough to condone the delay.

11. Accordingly, application stands allowed. Delay stands condoned.

12. Application stands disposed of, accordingly.

13. The office to register an application for leave to file an appeal.

14. Applicant to clear all office objections within two weeks.

BHARAT P. DESHPANDE, J.