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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.75 OF 2022

IN

CRIMINAL APPEAL NO.865 OF 2021 (F)

WIBRO CONSTRUCTION COMPANY, THR.

IS PROP., K. ABDULLA

... APPLICANT

Versus

SAMRUDH INFRA PROJECTS PVT. LTD.,

THR. ITS. AUT. SIGN./DIRECTOR AND

ANR

... RESPONDENTS

Ms. Diksha Apte and Ms. Asha Desai, Advocates for the Applicant.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 13th November, 2024

P.C:

Heard Ms. Apte for the Applicant.

2. In spite of service, none appeared for the Respondents.

3. Though the present Application is filed for condonation of delay of 264 days, the learned Counsel for the Applicant placed reliance on the decision passed by the Apex Court on 08.03.2021 in Suo Motu Writ Petition (Civil) No. 3 of 2020 in Re: Cognizance for extension of limitation and order dated 09.05.2022 passed in Special Leave Petition (C) No. 2522/2022 in the case of Babasaheb Raosaheb Kobarne & Another Vs. Pyrotek India Private Limited & Others.

4. The Apex Court in the above decisions has clearly opined that the period of limitation from 15.03.2020 till 28.02.2022 shall stand excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of judicial or quasi-judicial proceedings.

5. The Applicant has filed an Appeal thereby challenging the decision passed by the learned Magistrate, which was decided on 09.03.2021.

6. In view of the observations of the Apex Court in the above decisions that the limitation period stands excluded from 15.03.2020 till 28.02.2022, the present proceedings filed somewhere in December 2021 have to be considered as within limitation for the simple reason that the entire period from 15.03.2020 till 28.02.2022 stands excluded from the period of limitation due to COVID-19 pandemic.

7. Accordingly, the Application filed for condonation of delay stands allowed. Officer to register the Criminal Appeal.

8. The Application for condonation of delay stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.