

2024:PHHC:081216-DB



Neutral Citation No. 2024:

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(103)

**LPA-1396-2024 (O&M)
Decided on : 01.07.2024**

The District Manager, MARKFED, District Office Sangrur

.....Appellant(s)

Versus

M/s Malwa Rice Mills & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE VIKAS BAHL**

Present: Ms.Bisman Mann, Advocate, for the appellant(s).

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to the judgment passed by the Learned Single Judge dated 22.09.2023 passed in CWP-19856-2023 whereby directions had been issued to consider the case of respondent No.1 for allotment of paddy for KMS 2023-24 if it complies with other terms and conditions of the policy.

2. It is not disputed that the said order of the Learned Single Judge has already been complied with for the said year. The present appeal is also barred by 218 days. The explanation given to put-forth the sufficient cause is not really forth-coming due to which reason we are not inclined to entertain the present appeal. A perusal of CM-3334-LPA-2024 would go on to show that the delay of 218 days which is sought to be explained is on account of the fact that the appellant was engrossed in the cumbersome process of procurement and allocation of perishable paddy and thus the appeal could not

be filed within the period of limitation of 30 days, which explanation is not sufficient keeping in view the law laid down by the Apex Court in **Oriental Aroma Chemical Industries Ltd. Vs. Gujarat Industrial Development Corporation & another, (2010) 5 SCC 459** and **Postmaster General and others Vs. Living Media India Limited, (2012) 3 SCC 563**. Relevant portion of the said judgment reads as under:-

“12) It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bonafide, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.

13) In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for

government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay.”

3. The sufficient cause might be an elastic term but at least the reason for the delay in filing the appeal at the level of Headquarters which had nothing to do with the process of procurement and allocation of paddy which is the job to be done at the field level and the appellant was negligent in filing the appeal. Accordingly, we do not see any tangible reason to condone the delay in the peculiar facts and circumstances especially more so because of the directions issued by the Learned Single Judge which pertain only to the allocation of paddy for 2023-24.
4. In such circumstances, we dismiss the application for condoning the delay of 218 days in filing the appeal as no sufficient cause has been shown. As a resultant effect, the main appeal is also dismissed.
5. Since the main appeal itself has been disposed, no orders are required to be passed on CM-3333-LPA-2024, for additional evidence.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

01.07.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No