

CR-909-2022(O&M)

2024:PHHC:043420

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

**CR-909-2022(O&M)
Date of decision :01.04.2024**

**Punjab State Civil Supplies Corporation
Limited and another ...Petitioner**

Vs.

Partap Singh Inspector and another ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Gopal Sharma, Advocate and
Mr. Mehardeep Singh, Advocate
for the petitioners.

Mr. Pratap Singh Gill, Advocate
for respondent No.1.

None for respondent No.2.

ANIL KSHETARPAL, J. (Oral)

1. This revision petition has been filed by the plaintiff (Punjab State Civil Supplies Corporation Limited, a Public Sector Undertaking of the State Government) to challenge the correctness of the First Appellate Court's order refusing to condone the delay of 01 year and 11 months in filing the first appeal.

2. It has been stated that the dealing Assistant, Gourav Sharma was suspended on 22.02.2017. Hence, he did not forward the certified copy of judgment and decree to the head office for filing the appeal. It was only when the head office vide letter dated 07.06.2018 asked the District Office to enquire about the case, it came to light that the case was dismissed on 13.09.2016.

Thereafter, the certified copy of the judgment and decree was applied and the appeal was filed.

3. The First Appellate Court has dismissed the application on the ground that the explanation furnished for seeking condonation of long delay of 01 year and 11 months is not sufficient.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

5. In this case, the petitioner filed a suit for recovery of Rs. 4,81,98,267/- on account of shortage, less excess and loss due to sale of rejected wheat to the private party at lower rate. The petitioner is a public sector undertaking. It is managed and run by its employees. The petitioner is seeking recovery of public money. The First Appellate Court is a last Court for re-appreciation of facts and evidence, which is an important point. Though, the application filed by the petitioner is not happily worded, however, this Court is required to examine its substance. The First Appellate Court has taken a narrow view on the matter. In such matters, the approach of the Court should be pragmatic as already noticed, a huge amount of public money is involved.

6. In these circumstances, the appeal is allowed. The delay in filing the first appeal is condoned while setting aside the impugned order passed by the First Appellate Court. The first appeal is restored to its original number and the First Appellate Court is directed to decide the same within a period of 06 months. The parties through their counsel are directed to appear before the First Appellate Court on 26.04.2024.

7. Needless to say that the First Appellate Court will decide the appeal on merits uninfluenced by the observations made by this Court while passing the order.

01.04.2024

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Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes	No
Yes	No