



\$~31

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA(OS) 23/2024**

UNION OF INDIA & ANR.

..... Appellants

Through: Mr Balendu Shekhar, CGSC with Ms
Tanisha Maura and Mr Krishna
Chaitanya, Advocates.

versus

MAHAVIR PRASAD GUPTA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

27.05.2024

%

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 31739/2024

1. Allowed, subject to just exceptions.

CM APPL. 31740/2024 *[Application filed on behalf of the appellants seeking condonation of delay of 350 days in filing appeal]*, **CM APPL. 31741/2024** *[Application filed on behalf of the appellants seeking condonation of delay of 30 days in re-filing appeal]*

2. The above-mentioned applications have been filed for condonation of delay in filing and re-filing the appeal.

2.1 According to the appellants, there is a delay of 350 days in filing and 30 days in re-filing the appeal.

RFA(OS) 23/2024

Page 1 of 3



3. A perusal of the application would show that what is not disputed by the appellants is that the impugned judgment dated 01.03.2023 passed by the learned Single Judge was received by them on 29.03.2023. Thereafter, as is evident on a perusal of the averments made in the application, the delay is sought to be explained by recounting the administrative steps taken in the matter for arriving at a decision with regard to institution of appeal.

4. As per the assertions made in the application, the administrative approval was obtained for institution of appeal on 01.08.2023. The advocate, for this purpose was appointed on 11.08.2023.

5. The appeal in the matter was drafted only on 01.03.2024. The time spent in between, for one reason or the other, only highlights the procrastination of the appellant's officers and their failure to act with alacrity.

6. We find no good reason to condone the huge delay of 350 days.

7. The dispute between the parties goes back to August, 1994.

8. Thus if we were to condone the delay and entertain the appeal for reasons as laconic as those which are asserted in the above-captioned applications, we will add to the misery of the respondent, who has been waiting to enjoy the fruits of the award.

9. The above-captioned applications are, accordingly, dismissed.

RFA(OS) 23/2024 & CM APPL. 31738/2024 [Application filed on behalf of the appellants seeking interim relief] CM APPL. 31742/2024 [Application filed on behalf of the appellants to place on record additional documents]



10. In view of the orders passed in CM APPL. 31740/2024 and CM APPL. 31741/2024, nothing further requires to be done in the appeal.
11. The appeal is, accordingly, closed.
12. All pending applications shall stand closed.
13. The case file shall stand consigned to the record.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 27, 2024

at

[Click here to check corrigendum, if any](#)

RFA(OS) 23/2024

Page 3 of 3