

IN THE HIGH COURT OF JUDICATURE AT PATNA
COMMERCIAL APPEAL No.2 of 2023

1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
2. The Senior Divisional Engineer- III, East Central Railway, Sonapur, District- Saran.
3. The Divisional Engineer- III, East Central Railway, Sonapur, District- Saran.

... .. Appellant/s

Versus

M/s. Eleco Construction Private Limited having its Registered Office at Sri Krishna Nagar Post Office and Police Station and District- Begusarai, through its Director, Rabindra Kumar Choudhary, residing at Sri Krishna Nagar Post Office and Police Station and District Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Sr. Panel Counsel
	:	Mr. Anwar Karim, C.G.C.
For the Respondent/s	:	Mr. N.K. Singh, Advocate
	:	Mr. Apurv Yash, Advocate
	:	Mr. Netan Chouhan, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 03-03-2025

Re:-I.A. No. 02 of 2024

Heard I.A. No. 02 of 2024 for condonation of delay
in filing the present Commercial Appeal No. 2 of 2023.

2. In the light of Annexure- P/7 dated 30.09.2019
passed in Miscellaneous (Arbitration) Case No. 127 of 2017 on
the file of the District Judge, Patna, the appellants had a cause of
action on 29.11.2019 i.e. within 60 days from the date of cause
of action accrued to the appellants. They had filed C.W.J.C. No.



8627 of 2021 on 01.03.2021 and it was withdrawn on 09.02.2022, thereafter, the present commercial appeal has been presented on 16.08.2023. In this backdrop, delay is required to be examined with reference to withdrawal of C.W.J.C. No. 8627 of 2021 till filing of the present appeal on 16.08.2023. Period spent in C.W.J.C. No. 8627 of 2021 would almost cover Covid-19 period with reference to Covid-19 period from 15.03.2020 to 28.02.2022. However, there would be delay of about 1 year 5 months from the date of withdrawal of C.W.J.C. No. 8627 of 2021, except the file movement before various authorities, sufficient cause has not been shown so as to condone the enormous delay of about 1 year 5 months. Recently, Hon'ble Supreme Court in the cases of *State of Madhya Pradesh Vs. Ramkumar Choudhary* decided in *[SLP(c) Diary No. 48636 of 2024]* on November 29, 2024 read with *H. Guruswamy & Ors. vs. A. Krishnalah* reported in *2025 SCC OnLine SC 54* elaborately considered in respect of entertaining belated litigation in particularly on behalf of the State authorities and deprecated while imposing exemplary cost.

3. In the light of principle laid down by the Hon'ble Supreme Court in the aforementioned decisions, delay of about 1 year 5 months in filing the present commercial appeal on



behalf of the appellants stands rejected. Resultantly,
Commercial Appeal No. 2 of 2023 stands dismissed.

5. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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