



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6737 OF 2025

IN

REVIEW PETITION (ST.) NO. 26394 OF 2022

IN

WRIT PETITION NO.6728 OF 2019

1. The Chief Executive Officer
Zilla Parishad Aurangabad,
Aurangabad, Taluka and
Dist. Aurangabad
 2. The Education Officer (Primary).
Zilla Parishad Aurangabad,
Tq. And Dist. Aurangabad
 3. The Chief Account Officer,
Zilla Parishad, Aurangabad,
Tq. & Dist. Aurangabad
- ...Applicants

Versus

1. Ambadas s/o Yeduba Jumde & Ors. ...Respondents

...

Mr. Ajay S. Deshpande, Advocate for the Applicants.

Mr. P. K. Lakhotiya, AGP for Respondent Nos.2 to 4.

...

CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

RESERVED ON : NOVEMBER 11, 2025
PRONOUNCED ON : NOVEMBER 20, 2025

JUDGEMENT (Per Abasaheb D. Shinde J.):

1. Heard the learned Counsel for the Applicants and the learned
AGP for Respondent Nos.2 to 4.
2. By this Civil Application, the Applicants/Original Respondent

Nos.4 to 6 in Writ Petition No.6728 of 2019 are seeking condonation of delay of 3 years and 3 months in filing Review Petition, seeking review of order dated 11.06.2019 passed in Writ Petition No.6728 of 2019.

3. The learned Counsel for the Applicants submits that though the order of which the review has been sought is passed on 11.06.2019, however, considering the fact that the said order involves financial implications, the Applicants have decided to file Review Petition. The learned Counsel for the Applicants further submits that the Applicants being local self-government required some time to take policy decision of filing Review Petition. It is further contended that, the decision making process of the local self-government is clumsy and time consuming. It is further contended that the Applicants after receiving the instructions from the State Government of filing Review Petition took some time to complete the necessary formalities as well as procedural compliances hence there is a delay of 3 years and 3 months caused in filing the Review Petition which is not intentional or deliberate nor the Applicants are going to derive any benefit by filing the Review Petition beyond period of limitation. The learned Counsel for the Applicants therefore submits that there is sufficient cause for filing the Review Petition beyond the period of limitation and therefore the delay deserves to be condoned.

4. It is true that while considering an application for condonation of delay a liberal and pragmatic approach needs to be adopted. It is also equally true that it is not the length but the explanation of delay that needs to be considered.

5. To appreciate the contentions of the Applicants, it would be apt to reproduce the averments in paragraphs 3 and 4 of the Civil Application as under :-

“3. The applicants say that, the local self-government had to take a policy decision to file a review petition of the decision of this Hon'ble Court, invoking review jurisdiction predominantly on the ground that extension of the benefits is a mistake, capable of being rectified and especially in the wake of the undertakings executed by respective petitioner (respondents No. 1 herein) to refund the amounts, if found to have been paid in excess, at a later stage. However, the decision making process of the local self-government is clumsy and time consuming, there has been a delay of about 3 years 3 months in invoking the review jurisdiction of this Hon'ble Court, the present application is being filed seeking condonation of the said delay.

4. The applicants says that, it has also received instruction from the State Govt. for filing a review petition against the impugned decision and sequel thereto, by completing the necessary formalities and procedural compliances, the applicants have filed a present petition, seeking review of the decision rendered by this Hon'ble Court in W. P. No. 6728 of 2019 dated 11.6.2019. However, in the process there has been a delay of about 3 years 3 months, which deserves to be graciously condoned by this Hon'ble Court as the same being neither intentional nor deliberate. Similarly, the applicant is not likely to derive any benefit by filing the review petition beyond the period of limitation.”

6. No doubt that the Applicants are local self-government, however, even then the law of limitation would apply with all its rigour. Similarly either it is a private litigant or a government and local government authority showing “sufficient cause” is a *sine qua non*. Merely because

the Applicants are the local self-government does not mean that they can be exempted from showing the sufficient cause. It is pertinent to note that there cannot be a different yardstick for a private litigant and the local self-government or a government agency when it comes to considering the application for condonation of delay. While dealing with an issue as to whether the government bodies or their agencies can be exempted from showing sufficient cause and giving reasonable and acceptable explanation for delay in filing the proceedings, the Hon'ble Apex Court in the case of ***Postmaster General and Others Vs. Living Media India Limited and Another*** reported in ***(2012) 2 Supreme Court Cases 563*** has held as under :-

“27. 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.

28. 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 bonafides, 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.

29. 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 the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few."

7. Similarly, the Hon'ble Apex Court in the case of ***State of Madhya Pradesh Vs. Ramkumar Choudhary*** reported in 2024 ***SCC OnLine SC 3612***, while considering the expression "sufficient cause" in paragraph 5 has held as under :-

"5. The legal position is that where a case has been presented in the Court beyond limitation, the petitioner has to explain the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the Court within limitation. In Majji Sannemma v. Reddy Sridevi, it was held by this Court that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision of this Court in Ajay Dabra v. Pyare Ram wherein, it was held as follows:

"13. This Court in the case of Basawaraj v. Special Land Acquisition Officer [(2013) 14 SCC 81] while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification,

putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present appellant."

Thus, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party.

5.1 In Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir, wherein, one of us (J.B. Pardiwala, J.) was a member, after referring to various decisions on the issue, it was in unequivocal terms observed by this Court that delay should not be excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party. "

8. The Apex Court in the same judgment in paragraph 7 observed thus :-

"7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See: Ajit Singh Thakur Singh v. State of Gujarat, (1981) 1 SCC 495: AIR 1981 SC 733)"

9. It would also be profitable to refer to the judgment of this Court in the case of ***Commissioner of Income Tax Vs. Harinagar Sugar Mills Ltd.*** Reported in ***(2015) 276 CTR 473***, wherein, while dealing with delay condonation application in filing Review Petition by the Applicants therein, this Court in paragraph 14 has observed thus :-

“14. The officials ought to realize that the Court cannot assist the Departments merely on the plea of larger public interest or protection of public revenue being involved. If that is the reason for which they feel that the delay deserves to be condoned, then, they ought to have realized that the same warrants their acting diligently. The same also requires them to act swiftly and by upholding the status and dignity of the office. Public officers have a public duty to perform and if they fail to act accordingly, then, we cannot go on accepting such versions and coming belatedly as noted above.”

10. Thus, from the submissions advanced as well as from the averments in paragraph nos.3 and 4 of the Civil Application as referred herein above, the explanation offered by the Applicants seeking condonation of delay certainly do not constitute a “sufficient cause”, as there is absolutely no plausible explanation seeking condonation of delay except stating that the Applicants being a local self-government had to take policy decision to file Review Petition so also by stating that since the decision making process of local self-government is clumsy and time consuming causing delay of 3 years and 3 months in filing the Review Petition. No doubt for filing certain proceedings administrative sanctions are required however, by no stretch of imagination it can be said that it takes more than three years. The Applicants being a local

self-government is expected to be more vigilant in pursuing such matters. In the light of dictum of the Hon'ble Apex Court in the case of *Postmaster General and Others (supra)* as well as *State of Madhya Pradesh Vs. Ramkumar Choudhary (supra)* and the observations of this Court in the case of *Commissioner of Income Tax Vs. Harinagar Sugar Mills Ltd. (Supra)*, we are of the opinion that the Applicants have failed to show sufficient cause while seeking condonation of a huge and inordinate delay of 3 years and 3 months. As observed hereinabove, a different yardstick cannot be applied for a private litigant and the local self-government while considering the application for condonation of delay. Thus, in our considered view the Civil Application filed by the Applicants seeking condonation of delay in filing Review Petition is devoid of any substance and the same is liable to be rejected at the threshold. Hence, the following order :-

ORDER

- i. Civil Application stands rejected. No order as to costs.
- ii. In view of the rejection of Civil Application for condonation of delay in filing Review Petition, Review Petition does not survive and the same stands disposed of accordingly.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]