

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11814 OF 2024

IN

WRIT PETITION NO.1510 OF 2020

The Union Of India

.. Applicant

Versus

Hindustan Petroleum Corporation Limited

.. Respondent

.....

- Ms. Naveena Kumai a/w Ms. Aparnaa Rajeshwari, Advocate for Applicant – UOI.
- Ms. Ashwini Hariharan a/w Mr. Vishal Mandal i/by DSK Legal, Advocates for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 12, 2025

P. C.:

- 1.** Interim Application is Mentioned out of turn at the time of rising of the Court. Taken up for hearing forthwith.
- 2.** Heard Ms. Kumai, learned Advocate for Applicant and Ms. Hariharan, learned Advocate for Respondent.
- 3.** This is an Application filed seeking restoration of dismissed Writ Petition bearing No.1510 of 2020 by order dated 23.08.2023 (*Coram:Sandeep V. Marne, J.*) appended as Exhibit 'A' at page No.8 of the Application, which was dismissed for default in view of non prosecution.
- 4.** Considering the reasons stated in paragraph Nos.3 to 6, I am inclined to allow the request made by the learned Advocate for

Applicant – UOI for setting aside of the order of dismissal dated 23.08.2023.

5. There is also delay of 286 days in taking out present Interim Application. Learned Advocate for Applicant draws my attention to paragraph No.7 of the Application. However, considering reasons stated in the Interim Application delay of 286 days stands condoned.

6. Ms. Hariharan, learned Advocate for Respondent would persuade the Court to consider conduct of the Petitioner in not attending to the Writ Petition after the same was filed in the year 2020 and when it came to be dismissed in the year 2023. I need to remind the learned Advocates at the Bar that between 2020 and 2023 we were all facing the ignominy of Covid-19 pandemic during which even the Supreme Court in Suo Motu Petition Nos.1/2020, 2/2020 and 3/2020 had suspended and arrested the limitation. That apart attending to matters was also found to be difficult for many Advocates due to imposition of lockdown which had curbed movement of general citizens at large.

7. Petitioner before me is the Union of India. Adequate reasons are appended in the Interim Application as alluded to hereinabove which on perusal justify the delay. Though learned Advocate for Respondent may be right that UOI did not appear on two

occasions as stated in the dismissal order, still not granting the Interim Application and the restoring dismissed Writ Petition would be a very harsh penalty which the Court is not inclined to accept.

8. In that view of the matter, Interim Application No.11814 of 2024 is allowed in terms of prayer clause 'a' and 'b' of the Application which read thus:-

“a) That this Hon’ble Court may be pleased to set aside the order dated 23.08.2023 as EXHIBIT – A” and restore the said Writ Petition No.1510 of 2020 and the matter be heard on merits.

b) The delay of 286 days in taking out the present interim application for restoration may kindly be condoned.”

9. In view of the above, Interim Application is disposed and Writ Petition bearing No.1510 of 2020 is restored to the record and file of the Court.

10. List Writ Petition No.1510 of 2020 on Board on **26th June, 2025.**

11. Interim Application No.11814 of 2024 is allowed and disposed.