



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 16197 OF 2024
IN
FIRST APPEAL st. NO. 30521 OF 2024

BDH Industries Ltd.

...Applicant.

Versus

Rajesh Thannawalla.

...Respondent.

Mr. Amit Padwal i/b Sahil Saiyed for the Applicant.

Mr. Sagar Joshi for the Respondent No. 1.

Coram : Sharmila U. Deshmukh, J.

Date : March 19, 2025.

P. C. :

1. Interim Application has been filed seeking condonation of delay of 62 days caused in filing the First Appeal.
2. Learned Counsel appearing for the Applicant submits that impugned judgment was pronounced on 15th July 2024 and was uploaded on the official website on 19th July 2024. He submits that Advocate on record applied for the certified copy on 2nd August 2024 which was delivered on 21st August 2024. He submits that Applicant being a listed company had to obtain a legal opinion before an Appeal can be filed which has resulted in delay of 62 days.
3. *Per contra* learned Counsel appearing for the Respondent submits that there is no explanation for the gap during the period from

the date of uploading of judgment till the Application for certified copy was given on 22nd August 2024. He would further submit that Applicant being a listed company ought to have acted diligently and called for papers for evaluation as it was its own record and that the Application shows casual manner in dealing with the matter.

4. Delay is of 62 days and the explanation tendered is that Applicant being a listed company took some time before decision could be taken for preferring an Appeal. Being a listed company, it is the matter of common knowledge that there cannot be one single officer who would be entitled to take decision and before the Appeal is filed legal advice will be required to be taken and this is the reason set out in the Application. Delay of 62 days is not colossal and inordinate unexplained delay which cannot be condoned.

5. In the light of explanation set out in paragraph nos. 3 and 4 of Application, delay of 62 days is condoned.

6. List the First Appeal for admission on **2nd April 2025**.

[Sharmila U. Deshmukh, J.]