

The Honourable Grievance ... Respondents
Redressal Committee And Ors

Mr. Jagannath S. Pawar with Siddhi P. Mekde, for the petitioner.
Ms. S.D. Chipade, AGP, for the State.

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CORAM : N.J. JAMADAR, J.
DATE : 16TH OCTOBER 2025.

ORAL ORDER:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 24th July 2025 passed by the Grievance Redressal Committee, Mumbai Suburban, whereby an appeal preferred by the petitioner against the order passed by the Competent Authority, thereby dismissing the appeal under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, was dismissed.
3. The petitioner had preferred the appeal against the order passed by the Competent Authority dated 16th February 2017 on 28th April 2025. The Grievance Redressal Committee was of the view that, the petitioner had not ascribed a sufficient cause for condonation of delay.
4. The learned counsel for the petitioner would urge that, the

petitioner had ascribed a sufficient cause for condonation of delay of over eight years in filing the appeal. On the merits of the matter, the learned counsel would urge that, the petitioner has an excellent case. Therefore, the impugned order deserves to be quashed and set aside.

5. I have perused the order passed by the Grievance Redressal Committee and the application preferred by the petitioner for condonation of delay.

6. From the perusal of the application, it becomes abundantly clear that, no reason as such was ascribed by the petitioner for condonation of delay. It was simply mentioned that the delay was not intentional, and after becoming aware of the order passed by the Appellate Authority, the petitioner preferred the appeal. The petitioner has singularly failed to ascribe any reason for condonation of delay.

7. In the case at hand the delay is both inordinate and unexplained. No cause, much less a sufficient cause, for not preferring the appeal within the stipulated period, has been ascribed.

8. A useful reference in this context can be made to a recent judgment of the Supreme Court in the case of ***H. Guruswamy and others vs. A. Krishnaiah since deceased by LR(s)***¹, wherein the Supreme Court expounded as to how and when the merits of the matter may come into play while deciding an application for condonation of delay, as under:

“16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of

1 2025 SCC Online SC 54.

the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay. ”

(emphasis supplied)

9. The learned counsel for the petitioner attempted to salvage the position by canvassing a submission that the Slum Act, being a social legislation, a liberal approach may be adopted. Undoubtedly, in the matter of condonation of delay, the Courts ordinarily lean in favour of condonation of delay so as to advance the cause of substantive justice.

10. To satisfy the conscience of the Court, I have also perused the order passed by the Appellate Authority. Concurrent findings have been recorded to the effect that, the petitioner and his father, Nilkanth Keluskar, are asserting possession over one and the same hut, and there was no separate hut in the name of the petitioner.

11. In the aforesaid view of the matter, the Grievance Redressal Committee has not committed any error in declining to condone the delay of over eight years, as the petitioner singularly failed to give any reason for not preferring the appeal within the stipulated period of

limitation.

12. In such circumstances, the petition does not deserve to be entertained.

13. The petition stands dismissed.

(N.J. JAMADAR, J)