

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9060 OF 2025
IN
WRIT PETITION NO.13545 OF 2022**

Vraj Construction Co. & Anr. ... Petitioners

Versus

Union of India & Ors. ... Respondents

**Mr. Brijesh Pathak a/w. Mr. Dulraj Jain, for the Applicant.
Mr. Jitendra B. Mishra a/w. Ms. Sangeeta Yadav and Mr.
Ashutosh Mishra and Mr. Rupesh Dubey, for Respondent No.2.**

**CORAM : M.S. Sonak &
Jitendra Jain, JJ.**

DATED : 8 July 2025

PC. :-

1. Heard.
2. The Applicant was given more than sufficient time to file an appeal by following precedent in the orders of the Hon'ble Supreme Court reviewing the decision in ***Canon India Private Limited vs. Union of India, 2021 SCC Online SC 200*** . No appeal was filed within the time granted. The appeal was filed beyond the time granted accompanied by application for condonation of delay.
3. The Applicant did not even bothered to seek an extension of time for filing Appeal pursuant to the liberty granted. During the pendency of the appeal, this Application for condonation of delay has been filed.

4. Considering that the delay is not much and with the view not to deprive the applicant an opportunity of having its appeal heard on merits, we propose to consider this Application, subject no doubt, to the payment of costs by the applicant.

5. There are several instances where Mr.Pathak has reminded us that length of delay is not important but the explanation given for the delay is crucial. Here, the length of delay may not be much but the quality of explanation is a little deficient. Therefore costs must be paid by the applicant.

6. Subject to payment of costs of Rs.50,000/- to the Bar Council of Maharashtra and Goa and further Rs.50,000/- to the High Court Employees Medical Welfare Funds within four weeks from today, the time to file appeal as granted by us in our order dated 26 November 2024 is extended by a period of 21 days. This means that if the costs are indeed paid within four weeks without seeking any extension of time, then the appeal already filed by the Applicant shall be deemed to have been filed within the time granted by this Court.

7. However, if the costs are not paid within time indicated, then, this application shall be deemed to have been dismissed with costs of Rs.10,000/-.

8. Interim Application is disposed of in the above terms.

(Jitendra Jain, J)

(M.S. Sonak, J)