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FAO-836-2018 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CM-2656-CII-2018 in/and
FAO-836-2018 (O&M)
Date of Decision: 27.10.2025**

Punjab State Power Corporation Ltd.

..... Appellant

Versus

M/s Durga Transformers, Industries, Jaswal Fabricators and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sehaj Bir Singh, Advocate
for the applicant/appellant.

Mr. Deepak Aggarwal, Advocate,
for respondent No.1.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present application has been filed under Section 5 of the Limitation Act by the applicant/appellant-Punjab State Power Corporation Limited which is a Public Sector Undertaking for condonation of delay of 157 days in filing of the present appeal.

2. Learned counsel for the applicant/appellant submitted that there is a delay of 157 days in filing of the present appeal due to administrative reasons because the file had to be processed through different officers for obtaining an opinion on filing the appeal challenging the impugned order and therefore, the aforesaid delay was not intentional and was *bona fide* in nature. He further submitted that considering the aforesaid ground being taken in the application under Section 5 of the Limitation Act, the delay of 157 days in filing the present appeal may be condoned.



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3. On the other hand, Mr. Deepak Aggarwal, learned counsel for the non-applicant/respondent No.1 has submitted that there has been a large delay of 157 days which cannot be condoned under Section 5 of the Limitation Act as no sufficient cause has been shown by the applicant/appellant within the ambit of Section 5 of the Limitation Act. In this regard, he referred to the judgment passed by Hon'ble Supreme Court in "**Government of Maharashtra (Water Resources Department) Represented by Executive Engineer Vs. M/s Borse Brothers Engineers & Contractors Private Limited**", 2021(6) SCC 460 and submitted that although a strict period of limitation as contained in Section 34 of the Arbitration and Conciliation Act (hereinafter referred to as 'the Act') for filing of the objections is not applicable for the appeal under Section 37 of the Act and the delay can certainly be condoned in case it is a short delay for which the reasons are to be stated in the grounds of application to constitute a sufficient cause for condonation of the said delay. However, in the present case, the reason so stated in the application does not constitute a '*sufficient cause*' as mere administrative movement of the file for seeking opinion as to whether the appeal is to be filed or not, is not a sufficient ground for condonation of delay.

4. Learned counsel for the non-applicant/respondent No.1 also referred to the judgment passed by a Division Bench of Delhi High Court in FAO(OS) No.1/2014 & CM No.93/2014 titled as "**Union of India Vs. PT Munshi Ram & Associates Private Limited**", on 03.09.2025 wherein the aforesaid judgment of Hon'ble Supreme Court was relied upon and apart from the above, various other judgments passed by Hon'ble Supreme Court in **FAO(Comm) No.205/2025** titled as "**Dilshad Khan Vs. Government of NCT**



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of Delhi”, “Postmaster General Vs. Living Media India Ltd.” (2012) 3 SCC 563, “Union of India Vs. Central Tibetan Schools Admn.” (2021) 11 SCC 557, were also relied upon. He further submitted that considering the aforesaid factual as well as legal position, the application for condonation of delay in filing the present appeal may be dismissed.

5. I have heard the learned counsel for the parties.
6. The present application has been filed for condonation of delay of 157 days in filing the appeal which has been filed under Section 37 of the Act. The grounds which have been taken in the application for seeking condonation of delay are reproduced as under:-

“1. That the appellant is filing the accompanying appeal before this Hon'ble Court which is likely to succeed on the grounds taken therein.

2. That the judgment was pronounced on 05.04.2017, copy was applied on 06.04.2017 and was delivered on 10.04.2017.

3. That there is a delay of 157 of days in filing of the present appeal. The delay has taken place due to the long procedure prescribed for filing an appeal by the appellant Corporation as the file has to be processed through different officers for obtaining an opinion about filing of the appeal challenging the impugned order. Owing to this reason, there is a delay of 157 days, delay which is bonafide and not intentional.

4. That it is submitted that the present appeal is meritorious and irreparable loss shall be caused to the respondent Corporation if the delay of 157 days is not condoned. It is again reiterated that the delay is bonafide and not intentional.

It is, therefore, respectfully prayed that the present



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application may kindly be allowed and the delay of 157 days in the filing of the present appeal may kindly be condoned in the interest of Justice.”

7. A perusal of the aforesaid would show that the only ground which has been taken for seeking condonation of delay is that the file was processed through different officers for seeking an opinion regarding filing the appeal for the purpose of challenging the impugned order. It was so observed by Hon’ble Supreme Court that when an application for condonation of delay in filing the appeal under Section 37 of the Act has been filed, then some short delay can be condoned depending upon the facts and circumstances of each and every case but there has to be a sufficient cause within the ambit of Section 5 of the Limitation Act. Hon’ble Division Bench of Delhi High Court in ***Union of India Vs. PT Munshi Ram & Associates Pvt. Ltd.’s case (Supra)*** held that such movement of file on administrative basis does not fall within the ambit of expression ‘*sufficient cause*’.

8. Therefore, this Court is of the view that considering the aforesaid settled law by Hon’ble Supreme Court and also considering the factual position of the present case where the only reason as mentioned in the application and so submitted by learned counsel for the applicant/appellant was regarding the administrative movement of the file just for seeking opinion on filing of the appeal which itself does not constitute a sufficient cause within the expression ‘*sufficient cause*’ under Section 5 of the Limitation Act especially when the applicant/appellant is a Public Sector Undertaking and also in view of the fact that the present application has been filed for condonation of delay in filing the appeal under Section 37 of the Act.

9. Consequently, finding no merit in the present application filed



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under Section 5 of the Limitation Act for condonation of delay in filing the appeal, the same is hereby dismissed.

10. Since the application for condonation of delay is dismissed, the appeal also stands dismissed.

27.10.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No