

LPA-2724-2024 (O&M)

-1-

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

112

LPA-2724-2024 (O&M)

Date of decision : 26.08.2025

The Punjab State Cooperative Supply and Marketing Federation Ltd.

... Appellant

Versus

State of Punjab and others

.. Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. Vikas Singh, Advocate for the appellant.

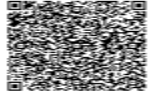
Ms. Arundhati Kulshreshtha, AAG, Punjab.

Anupinder Singh Grewal, J. (Oral)**CM-6633-LPA-2024**

1. This is an application seeking condonation of delay of 211 days in re-filing the appeal.
2. Heard.
3. For the reasons stated in the application, the same is allowed and delay of 211 days in re-filing the appeal is condoned.

Main case

1. The appellant has challenged the order passed by the Single Bench in CM-8122-2023 in CWP No.11183-1999 on 05.09.2023 whereby the application preferred by the appellant for recalling the order dated 09.04.2019 dismissing the writ petition for want of prosecution has been declined.



LPA-2724-2024 (O&M)

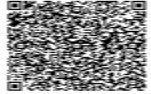
-2-

2. Learned counsel for the appellant submits that although there was delay of 1120 days in preferring the application for restoration of the writ petition but the delay was partly due to Covid-19 pandemic and therefore, a liberal approach ought to have been adopted to condone the delay. He also submits that respondent No.2 has expired on 10.05.2011.

3. Heard.

4. The appellant, which is an instrumentality of the State, had filed a writ petition i.e. CWP-11183-1999, challenging the order passed in the year 1999. The writ petition was dismissed for want of prosecution on 09.04.2019 while the restoration application had been filed in the year 2023, after a delay of 1120 days.

5. We are in agreement with the order of the Single Bench declining the application for restoration of the writ petition. Admittedly, the appellant is an instrumentality of the State and ought to have promptly approached the Court seeking restoration of the writ petition. Merely because it is an instrumentality of the State, the huge delay of 1120 days in filing the application for restoration of the writ petition cannot be condoned. The appellant has not been able to make out sufficient cause for condonation of huge delay in filing the application for restoration of the writ petition. Even the order dismissing the writ petition in default was on account of non-appearance of the counsel for the appellant, therefore, it appears that the case has been dealt with in a casual manner. The appellant ought to have been diligent in pursuing its legal remedies.



LPA-2724-2024 (O&M)

-3-

6. It has been held by the Supreme Court that some latitude can be shown to the State or its instrumentalities while condoning the delay as the matter is dealt at several levels and time may be consumed in taking decision. However, it has also been held that undue indulgence to the State for huge unexplained delays ought not to be shown. Reference can be made to the judgment of the Supreme Court in the case of **Postmaster General and others vs. Living Media India Ltd. and another, (2012) 3 SCC 563** and the relevant extract of the judgment is reproduced hereunder:-

“27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should



LPA-2724-2024 (O&M)

-4-

not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

30. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay.”

7. In the aforementioned facts and circumstances, we do not find any manifest illegality in the order of the Single Bench which would warrant interference in an appeal.

8. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed. Pending application, if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

August 26, 2025
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No