GAHC010037332025

2026:GAU-AS:17491-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/693/2025

M/S MACROCOSM BUILDERS,
REPRESENTED BY MANAGING PARTNER, SHRI DEBODIP DAS BMB MARKET, 1ST FLOOR, B.B ROAD, BARPETA TOWN, BARPETA ASSAM-781005

VERSUS

THE STATE OF ASSAM and ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT, DISPUR, GUWAHATI- 06.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST FORCE
ASSAM
PANJABARI
GUWAHATI 781037

3:THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS SOCIAL FORESTRY ASSAM
PANJABARI ASSAM GUWAHATI 37

4:THE DEPUTY CONSERVATOR OF FORESTS SOCIAL FORESTRY ASSAM

PANJABARI GUWAHATI 37

5:THE CONSERVATOR OF FOREST
LOWER ASSAM FORESTRY CIRCLE
BONGAIGAON
ASSAM

6:THE DIVISIONAL FOREST OFFICER

SOCIAL FORESTRY DIVISION
BARPETA
ASSAM

7:M/S RISHA INFRASTRUCTURE
REPRESENTED BY THE PROPRIETOR
SRI PRONOB DUTTA
AGED ABOUT 41 YEARS
SON OF LATE P.C DUTTA
RESIDENT OF K.C ROAD
HOUSE NO. 21
CHATRIBARI
PS PALTAN BAZA

Advocate for the Petitioner : MR. R MAZUMDAR, MR. H ROHMAN,MR G ALAM,S RANA,MR. P D NAIR,MS T WAPANGLA

Advocate for the Respondent : SC, FOREST,

Linked Case : CRP/0/0

M/S MACROCOSM BUILDERS

REPRESENTED BY MANAGING PARTNER
SHRI DEBODIP DAS BMB MARKET
1ST FLOOR
B.B ROAD
BARPETA TOWN
BARPETA ASSAM- 78130

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GUWAHATI- 06.

Advocate for : RAJESH MAZUMDAR
Advocate for : appearing for THE STATE OF ASSAM

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

25.11.2026
(K. Goswami, J)

We have heard Mr. H. Rohman, learned Advocate for the applicant and Mr. P.N. Goswami, learned Additional Advocate General, Assam assisted by Mr. I. Kalita, learned Standing counsel, Forest Department for the respondent Nos. 1 to 6.

2. Pursuant to the order dated 26.06.2026, learned advocate for the applicant has submitted the affidavit of service upon the respondent No. 7 through paper publication in the Assamese daily newspaper *Asomia Pratidin*. Accordingly, service upon the respondent No. 7 is deemed to be complete. However, none appeared for the said respondent on call.

3. By way of the present interlocutory application, the applicant seeks condonation of a delay of 438 days in preferring the connected appeal against the judgment and order dated 09.11.2023, passed by the learned Single Judge of this Court in WP(C) No. 3258/2021.

4. The principal ground urged by the applicant is that, after passing of the Judgment and Order dated 09/11/2023, the applicant had been pursuing the matter with the respondent authorities for release of the

payment in respect of the work executed pursuant to the Work Order dated 12/07/2021. It is contended that, in the process, considerable time was consumed in pursuing the matter with the respondent authorities. The applicant has further explained that the delay was occasioned, *inter alia*, by the time taken in obtaining the relevant pleadings and records, the intervening court vacations and the time required for preparation and finalization of the appeal.

5. We have heard the learned advocates appearing for the parties and carefully perused the grounds urged in support of the application.

6. Having considered the explanation furnished in the application, this Court is of the considered opinion that the cause shown for the delay merits consideration. The approach of the Court, while considering an application for condonation of delay, ought to be pragmatic and justice-oriented rather than pedantic. The expression "sufficient cause" is required to receive a liberal construction so as to advance substantial justice, particularly where the delay is not shown to have been occasioned by deliberate inaction or lack of *bona fides*.

7. In the facts and circumstances of the present case, this Court is inclined to accept the explanation furnished by the applicant. The applicant ought not to be non-suited at the threshold without affording an opportunity to have the appeal considered on its merits. This Court is, therefore, satisfied that sufficient cause has been made out for condonation of the delay.

8. Accordingly, the delay of 438 days in preferring the connected appeal is hereby condoned.

9. The interlocutory application stands allowed and is accordingly disposed off.

10. The Registry shall process the connected appeal and list the same **on 25.01.2027**, under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant