GAHC010087482026

2026:GAU-AS:16217

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

Case No. : I.A.(Civil)/1477/2026

MS ISHWAR FOOD PRODUCTS PVT. LTD.
TINGRAI, HOOGRIJAN ROAD, PATIA PATHAR GAON, PO TINSUKIA 78125
ASSAM, REPRESENTED BY ITS DIRECTOR SRI S M AGARWAL RESIDENT OF SIDING BAZAR, TINSUKIA 786125, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRIES, UDYOG BHAWAN, NEW DELHI 11

2:THE COMMISSIONER OF INDUSTRIES AND COMMERCE DEPARTMENT
GOVT OF ASSAM UDYOG BHAWAN BAMUNIMAIDAN GUWAHATI 21

3:NEDFI
REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR NEDFI HOUSE GUWAHATI 6

4:THE ADDL. DIRECTOR (F/P)
DIRECTORATE OF INDUSTRIES AND COMMERCE
ASSAM
GUWAHATI 21

5:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
PO BORGURI
TINSUKIA 786125
ASSA

Advocate for the Petitioner : DR ANKIT TODI, MR A NATH,MS. R JUGLI

Advocate for the Respondent : DY.S.G.I., MS. INA DAS (R3),MR G DAS (R3),GA, ASSAM

-BEFORE-

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

04.11.2026
(K. Goswami, J)

Heard Dr. A. Todi, learned Advocate for the applicant; Ms. A. Gayan, learned Central Government Counsel for the respondent No. 1; Mr. G. Das, learned Advocate for the respondent No. 3; Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent No. 5.

2. This application has been filed for condoning the delay of 40 days in preferring the connected writ appeal against the judgment and order dated 27.01.2026 passed by a learned Single Judge of this Court in WP(C) No.8248/2017.

3. The applicant has sought condonation of the delay in filing the connected writ appeal, contending, *inter alia*, that the delay was neither intentional nor deliberate, but occurred due to the *bona fide* circumstances and procedural steps involved in obtaining legal advice, preparation and finalization of the Memorandum of Appeal.

4. *Per contra*, learned Advocates appearing for the respondents objected to the delay of condonation on the ground of the delay being not sufficiently explained.

5. Having heard the learned Advocates appearing for the contending parties and having considered the explanations furnished, we are satisfied that the delay is sufficiently explained. The applicant,

upon obtaining the certified copy of the impugned judgment and order, had approached its engaged counsel for appropriate legal advice and thereafter instructed the counsel to prepare the Memorandum of Appeal. The delay of 40 days occasioned primarily due to the time consumed in obtaining legal opinion, drafting and finalizing the Memorandum of Appeal.

6. Considering the settled principles of law that a delay condonation application has to be dealt with in a pragmatic and justice-oriented manner, we are of the considered opinion that the delay was neither intentional nor deliberate, but occasioned by sufficient cause. Accordingly, in the interest of substantial justice and to afford the parties an opportunity of having the matter adjudicated on merits, the delay of 40 days in preferring the connected appeal deserves to be condoned.

7. The interlocutory application stands allowed and disposed off.

8. Registry to process the connected writ appeal and list the same on **11.01.2027**, under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant