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2026:GAU-AS:14788-DB

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

Case No. : I.A.(Civil)/1476/2026

M/S. ISHWAR FOOD PRODUCTS PVT. LTD.
TINGRAI, HOOGRIJAN ROAD, PATIA PATHAR GAON, PO TINSUKIA-786125, 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 UNDER SECRETARY TO THE GOVT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRIES, DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION (DIPP), UDYOG BHAWAN, NEW DELHI-11

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF COMMERCE AND INDUSTRIES
DISPUR
GUWAHATI-06

3:THE COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-21

4:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
PO. BORGURI
TINSUKIA-786125
ASSAM

5:NORTH EASTERN DEVELOPMENT FINANCE CORPORATION LTD. NEDFI

NEDFI HOUSE
G.S. ROAD
GUWAHATI-6

Advocate for the Petitioner : DR ANKIT TODI, MR A NATH

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

-BEFORE-

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

05.10.2026
(K. Goswami, J)

Heard Dr. A. Todi, learned Advocate for the applicant; Mr. R.K.D. Choudhury, Dy. SGI assisted by Ms. L. Devi, learned Advocate for respondent No. 1; Ms. U Sharma, learned Government Advocate for respondent Nos. 2 to 4 and Mr. G. Das, learned Advocate for the respondent No. 5.

2. This application has been filed for condoning the delay of 215 days in preferring the connected writ appeal against the judgment and order dated 22.07.2025 passed by a learned Single Judge of this Court in WP(C) No.463/2020.

3. Being aggrieved by the aforesaid judgment, the applicant has preferred the connected writ appeal. However, as the appeal could not be instituted within the prescribed period of limitation, there is a delay of 215 days in filing the same, for which the present application has been preferred.

4. The explanations furnished in the application are that the

applicant came to know about the judgment and order on 23.07.2025 and applied for its certified copy on 29.07.2025, which was made available only on 12.08.2025. After receiving the copy, the applicant consulted his engaged counsel for legal advice and thereafter instructed him to prepare the memo of appeal. The preparation and finalization of the draft took some time and the appeal was accordingly filed on 08.04.2026, resulting in a delay of 215 days.

5. The learned Advocate for the applicant submits that the delay was neither deliberate nor intentional, but occurred on account of unavoidable circumstances which were beyond the control of the applicant, which may accordingly be condoned.

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

7. 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 delay appears to have resulted from the time taken in obtaining legal advice and completing the requisite formalities and was neither deliberate nor mala fide.

8. In the facts and circumstances of the present case, sufficient causes having been shown, the delay of 215 days in preferring the connected writ appeal is condoned.

9. The interlocutory application stands allowed and disposed off.

10. Registry to process the connected writ appeal and list the

same on **23.11.2026** under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant