GAHC010139362026

2026:GAU-AS:14790-DB

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

Case No. : I.A.(Civil)/2564/2026

SRI BINOD BODO
SON OF LATE SOBANON BODO, R/O. VILL. DIMALIK RAJI, HAFLONG, P.S. HAFLONG, DIST. DIMA HASAO, ASSAM, PIN-788819

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVT. OF ASSAM, PUBLIC WORKS DEPARTMENT, ROADS AND BUILDING, DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
DISTRICT- DIMA HASAO
ASSAM
PIN-788819

3:SUPERINTENDENT
ENGINEER
PWD (R AND B) HAFLONG CIRCLE HAFLONG
DIMA HASAO. PIN-788819

4:THE ADDITIONAL CHIEF ENGINEER
PWD (R AND B) HAFLONG DISTRICT- DIMA HASAO
ASSAM. PIN-788819

5:THE EXECUTIVE ENGINEER
PWD ROAD BUILDING HAFIONG DIVISION
DISTRICT DIMA HASAO
ASSAM
PIN-788831.

6:ACCOUNTS OFFICER
HAFLONG PWD (R AND B) DIVISION
HAFLONG
DISTRICT-DIMA HASAO
ASSAM. PIN-788831.

7:THE DEPUTY SECRETARY TO THE GOVT OF ASSAM
HILL AREAS DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MR. B BARUAH, I L NGAMLAI

Advocate for the Respondent : SC, PWD, SC, DIMA HASAO

-BEFORE-

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

05.10.2026
(K. Goswami, J)

Heard Mr. B. Baruah, learned Advocate for the applicant; Ms. M. Bhattacharjee, learned Additional Senior Government Advocate for the respondent Nos. 1, 6 & 7; Mr. R. M. Das, learned Standing counsel, N.C. Hills Autonomous Council for the respondent Nos. 2 to 5.

2. This application has been filed for condoning the delay of 287 days in preferring the connected writ appeal against the judgment dated 13.08.2025 passed by a learned Single Judge of this Court in WP(C) No.6623/2023.

3. Being aggrieved by the aforesaid judgment, the applicant preferred the connected writ appeal. However, as the appeal could not be instituted within the prescribed period of limitation, there is a delay of

287 days in filing the same, for which the present application has been preferred.

4. The applicant has sought condonation of the delay in filing the connected writ appeal, contending that the delay was occasioned by *bona fide* and unavoidable circumstances. It is stated that pursuant to the directions of this Court, the respondent department undertook a verification exercise from 12.09.2025 to 12.03.2026 and the applicant was required to await the outcome thereof. According to the applicant, he was informed on 24.03.2026 that the amount claimed by him was found to be due in respect of the work completed, although the issue relating to paucity of funds of the Autonomous Council was not disclosed to him earlier. The applicant has further stated that owing to non-payment of his contractual dues and absence of any work or other source of livelihood, he was facing financial distress from 01.01.2026 onwards and was consequently unable to approach this Court within the prescribed period. It is stated that with the assistance of his counsel, the present writ appeal was eventually filed on 29.06.2026. The applicant, therefore, submits that the delay was neither intentional nor deliberate, but was occasioned by the aforesaid circumstances and has prayed that the same be condoned in the interest of justice.

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

6. 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 financial hardship and the time taken in obtaining legal advice and completing the requisite formalities and was neither deliberate nor *mala fide*.

7. In the facts and circumstances of the present case, sufficient causes having been shown, the delay of 287 days in preferring the connected Writ Appeal is condoned.

8. The interlocutory application stands allowed and disposed off.

9. Registry to process the connected writ appeal and list the same on **30.11.2026** under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant