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

Case No. : I.A.(Civil)/2531/2026

TK ENGINEERING CONSORTIUM PRIVATE LIMITED AND 4 ORS.
A COMPANY HAVING ITS PRINCIPAL OFFICE AT GAMES VILLAGE, BLOCK-A3, FLAT NO. 202, BELTOLA, P.S - BASISTHA, GUWAHATI - 781 029 AND ITS REGISTERED OFFICE AT MODEL VILLAGE, P.O AND P.S NAHARLAGUN, DISTRICT - PAPUM PARE, PIN 791110, ARUNACHAL PRADESH.

2: RATU TECHI
MANAGING DIRECTOR OF DEFENDANT NO. 1 COMPANY CARRYING ON HIS BUSINESS INTER-ALIA FROM GAMES VILLAGE
BLOCK - A3
FLAT NO. 202
BELTOLA
P.S- BASISTHA GUWAHATI - 781 029 AND RESIDENT OF MODEL VILLAGE NAHARLAGUN
P.O AND P.S - NAHARLAGUN
DISTRICT - PAPUM PARE
ARUNACHAL PRADESH
PIN-791110

3: TECHI TARA
MANAGING DIRECTOR OF DEFENDANT NO. 1 COMPANY CARRYING ON HIS BUSINESS INTER-ALIA FROM GAMES VILLAGE
BLOCK A3
FLAT NO. 202
BELTOLA
P.S- BASISTHA
GUWAHATI - 781 029 AND RESIDENT OF MODEL VILLAGE NAHARLAGUN
P.O AND P.S - NAHARLAGUN
DISTRICT - PAPUM PARE
ARUNACHAR PRADESH
PIN-791110

4: MRS TECHI JULLY

MANAGING DIRECTOR OF DEFENDANT NO. 1 COMPANY CARRYING ON HIS BUSINESS INTER-ALIA FROM GAMES VILLAGE
BLOCK - A3
FLAT NO. 202
BELTOLA
P.S- BASISTHA
GUWAHATI - 781029 AND RESIDENT OF MODEL VILLAGE
NAHARLAGUN
P.O AND P.S - NAHARLAGUN
DIST - PAPUM PARE
ARUNACHAL PRADESH
PIN-791110

5: TECHI TOTU
CONTROLLING PERSON OF DEFENDANT NO. 1 COMPANY CARRYING ON HIS BUSINESS INTER-ALIA FROM GAMES VILLAGE
BLOCK - A3
FLAT NO. 202
BELTOLA
P.S- BASISTHA
GUWAHATI -781 029 AND RESIDENT OF MODEL VILLAGE
NAHARLAGUN
P.O AND P.S - NAHARLAGUN
DISTRICT - PAPUM PARE
ARUNACHAL PRADESH
PIN-79111

VERSUS

TECHCON INFRASTRUCTURE PVT. LTD.
A COMPANY WITHIN THE MEANING OF COMPANIES ACT, 2013 HAVING ITS LOCAL PRINCIPAL OFFICE AT ASSAM TRUNK ROAD, TOKOBARI, OPPOSITE MAHAVIR BHAWAN, DISTRICT - KAMRUP M, GUWAHATI - 781 001, AND ITS REGISTERED OFFICE AT P-27, PRINCEP STREET, 2ND FLOOR, P.S

Advocate for the Petitioner : MR. D MAZUMDAR, MS. S NATH,MR. D MOZUMDER

Advocate for the Respondent : MR. O P BHATI, S. K. GUPTA,MR T C DAS

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 16.11.2026

Heard Mr. D. Mazumdar, learned senior counsel assisted by Mr. D. Mazumdar, learned counsel appearing for the applicants and also heard Mr. O. P. Bhati, learned counsel appearing for the sole respondent.

2. By way of the present application filed under Section 5 of the Limitation Act, 1963, the applicants have sought condonation of delay of 40 days in preferring the connected review petition against the judgment and order dated 06.05.2026 passed in CRP (I/O) No. 391 of 2025.

3. The application is founded primarily on the ground that the applicants had no knowledge of the institution or pendency of the aforesaid civil revision petition until 25.06.2026, when the fact of its disposal was brought to their notice during the hearing of the connected Commercial Suit No. 101 of 2022. It is contended that although notices in the revision petition were purportedly served at a residential premises belonging to the applicant company, the said premises was neither its registered office nor the place from where its affairs were ordinarily conducted, and no director, officer or authorised representative of the company was stationed there to receive court processes.

The applicants have further explained that, immediately upon acquiring knowledge of the impugned judgment and order, they took steps to obtain a certified copy thereof and consult their counsel for taking appropriate legal recourse. The time taken thereafter in obtaining the certified copy, consulting counsel, discussing the matter and

preparing and finalising the accompanying review petition has also been explained by referring to the intervening circumstances, including the counsel's absence from station and the time required for verification of the factual averments by the applicants. It is, thus, contended that the delay was neither intentional nor deliberate, but occasioned by circumstances beyond their control, and that the applicants acted with reasonable expedition upon acquiring knowledge of the impugned judgment and order. On these grounds, the applicants have prayed for condonation of the delay of 40 days in filing the connected review petition.

4. Having heard the learned counsel appearing for the parties and upon consideration of the grounds set forth in the application seeking condonation of delay, this Court is satisfied that the applicants have furnished a sufficient and bona fide explanation for the delay in filing the connected review petition. The explanation that the applicants were unaware of the proceedings until they acquired knowledge of the impugned judgment and order, coupled with the steps stated to have been taken by them thereafter, cannot, in the facts and circumstances of the case, be disregarded. The applicants have also explained the time taken in obtaining the certified copy, consulting their counsel and preparing and finalising the review petition. This Court, therefore, finds that the delay of 40 days has been sufficiently explained and that no deliberate or wilful negligence is attributable to the applicants. Accordingly, the delay of 40 days in filing the connected review petition stands condoned.

5. Now, the Registry will register and number the connected review petition and be placed the same before the Court for consideration.

6. Accordingly, the IA stands disposed of.

JUDGE

Comparing Assistant