

GAHC010197472024



2026:GAU-AS:3869-DB

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

Case No. : I.A.(Civil)/3015/2024

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY SECY MINISTRY OF RAILWAY RAILWAY BOARD
RAILWAY BHAWAN NEW DELHI

2: NORTHEAST FRONTIER RAILWAYS
REP. BY THE GENERAL MANAGER
NORTHEAST FRONTIER RAILWAYS
GHY- 12.

3: THE CHIEF ENGINEER
CONSTRUCTIONS
THE NORTH EAST FRONTIER RAILWAYS
MALIGAON
GHY- 12.

4: THE CHIEF ENGINEER
CONSTRUCTIONS- 3
THE NORTH EAST FRONTIER RAILWAYS
GHY- 12.

5: THE DY. CHIEF ENGINEER
CONSTRUCTIONS - 2
THE NORTH EAST FRONTIER RAILWAYS
GHY- 12.

6: THE ASSTT. ENGINEER
CONSTRUCTIONS- 4
BOGIBEEL
NORTH EAST FRONTIER RAILWAYS
SILAPATHAR.

7: THE EXECUTIVE DIRECTOR
CIVIL ENGINEER G
RAILWAY BOARD

NORTH EAST FRONTIER RAILWAYS
GHY- 12

VERSUS

MS M K DHIROOMAL ASSOCIATES JV
A JOINT VENTURE OF MS M K ENGINEERING AND MS SHIROOMAL AND
SONS PVT LTD OFFICE AT WEST GUWAHATI MALIGAON 11

Advocate for the Petitioner : MR H GUPTA,

Advocate for the Respondent : MR. M BISWAS, MS. A K CHOPHI, J SINGPHO, A GHOSAL

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

17-03-2026

(A.D. Choudhury, J.)

1. The present Interlocutory Application has been filed by the applicants seeking condonation of the delay of **331** days in preferring the connected Writ Appeal against the judgment & order dated 21.09.2023, passed in WP(C) No. 6103/2012.

2. By the aforesaid judgment, the learned Single Judge interfered with the action on the part of the respondent N.F. Railway in seeking to recover the vitiation amount of Rs.25,21,881.27 in terms of the Final Vitiating Statement dated 08.12.2010, to be a unilateral one as there was no novation of the contract at any time.

3. In paragraphs Nos. 2 to 6 of this application, the

applicants have cited the reasons for the delay in preferring the connected Writ Appeal.

4. The learned counsel for the respondents/opposite parties relying on the affidavit in opposition filed argues that the applicants have failed to show "sufficient cause" in justifying the delay of 331 days in filing the Writ Appeal and that the the delay is attributable to the lackadaisical approach of the appellant in filing the connected writ appeal and as such, the instant interlocutory application is liable to be dismissed.

5. The length of the delay is indeed a relevant factor to be considered when deciding an application for condonation of delay. However, when sufficient causes are shown, the discretion vested in the Courts to condone delay is to be exercised, though sufficient cause shall not mean a mere explanation given superficially.

6. In the case in hand, we have found that the applicants have sufficiently explained the reasons for the delay and have substantiated that, for reasons beyond their control, they were prevented from approaching the Court promptly and within the prescribed period of limitation. We do not see any negligence, lack of bona fide, or inaction on the part of the applicants.

7. Based on the available materials, it cannot be said that the applicants were not diligent or that the delay was intentional.

8. Thus, having considered the explanation tendered by

the applicants, this Court is satisfied that the delay occasioned in preferring the connected Writ Appeal was neither deliberate nor actuated by negligence but resulted from bona fide circumstances beyond the control of the applicants. In the absence of gross laches or mala fide intention attributable to the applicants, this Court would lean in favour of the adjudication on merits.

9. In the given facts of the present case, the explanation furnished inspires confidence, and no prejudice is demonstrated to have been caused to the respondent by such delay.

10. Accordingly, in the interest of justice and having satisfied that the causes shown are sufficient to condone the delay of **331** days, we deem it appropriate to condone the delay. Ordered accordingly.

11. The instant Interlocutory Application stands allowed and disposed of.

12. The Registry shall process the connected appeal and, if found defect-free, list it under the appropriate heading, preferably on **02.04.2026**.

JUDGE

CHIEF JUSTICE