IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 198 of 2022

M/s Panem Coal Mines Limited, registered office at, 6 Purbi Marg, P.O. & P.S. Vasant Vihar, District New Delhi-110057 and having its branch office at Amrapara, District Pakur (Jharkhand) through its authorized signatory Barun Kumar Ghosh, Aged about 59 years, S/o Late Amrendra Kumar Ghosh, R/o 5B, Nandalal Basu Sarani, P.O. and P.S. Nandalal Basu Sarani, District Kolkata (west Bengal)... ... ... **Appellant**

Versus

1. The State of Jharkhand through Principal Secretary, Government of Jharkhand, P.O. & P.S. Doranda, District Ranchi, Jharkhand.
2. Department of Mines and Geology, Government of Jharkhand, Ranchi, through its Secretary, P.O. and P.S. Doranda, District Ranchi, (Jharkhand).
3. Certificate Officer Mines-cum-Deputy Director, Santhal Pargans Circle, Dumka, P.O. and P.S. Dungra, District Ranchi (Jharkhand).
4. Punjab State Power Corporation Limited, Head Office at the Mall, Patiala-147001, P.O. and P.S. Patiala, District Punjab.

… … ... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellant : Mr. Amitabh Prasad, Advocate
For the Respondents : Mr. Sahbaj Akhtar, AC to AAG-III

05/ Dated: 28.09.2026

I.A. No. 12965 of 2026

1. Heard Mr. Amitabh Prasad for the applicant and Mr. Sahbaj Akhtar, AC to AAG-III for the respondents.

2. This I.A. seeks condonation of delay of 859 days in filing the Letters Patent Appeal.

3. Normally, the cause shown could have been considered liberally. But in this case, in paragraph No.7, the applicant has made a patently false statement on oath.

4. The record shows that this L.P.A. was filed on 12.05.2022, based on a copy downloaded from the website.

5. In paragraph 6, a vague statement was made that the certified copy could not be filed along with the instant appeal "due to unavoidable circumstances". There is no reference to what these alleged unavoidable circumstances were.

6. This appeal was dismissed for non-prosecution but restored. This is significant because it shows the casualness with which the appellant is treating this matter. It is very likely that, by citing the pendency of this matter, the appellants are avoiding payment of crores of rupees demanded in the certificate proceedings from the appellant.

7. In paragraph 7, the appellant has pleaded as follows:

> *"7. That the appellant states that after obtaining the certified copy of the impugned order, the appellant contacted the counsel for taking legal advice regarding the future recourse against the order dated 06.04.2022 wherein it was advised to file L.P.A. After receiving the advice from the counsel, the appellant obtained the relevant documents for preferring the instant appeal against the order dated 06.04.2022 and some time was consumed in getting the relevant documents."*

8. The statement in paragraph 7 of the I.A., in our judgment, is patently false. If the appeal was preferred based on a copy downloaded from

the website, we fail to appreciate how the statement in paragraph 7 of the I.A. was made.

9. The above statement suggests that only after obtaining the certified copy of the impugned order did the appellant contact counsel for legal advice regarding future recourse against the order dated 06.04.2022, wherein it was advised to file the L.P.A. The averment further states that, after receiving advice from counsel, the appellant obtained the relevant documents for preferring the instant appeal, and some time was consumed in obtaining the relevant documents.

10. The above averments are false because the appeal was filed even without awaiting the certified copy. Therefore, there was no question of contacting any counsel after filing the appeal or spending any time for that purpose. Even the statement about obtaining the relevant documents for preferring the instant appeal and the time consumed, therefore, is patently false. It is not if after obtaining the certified copy, any additional documents have been annexed to the memo of appeal or there is reference to any additional documents based upon which any ground or decision was taken for instituting the appeal.

11. The Hon'ble Supreme Court has held that in all such matters, it is not the quantum of delay but the cause shown that is crucial. In the case of **N. Balakrishnan Vs. M. Krishnamurthy,** reported in **(1998) 7 SCC 123**, the Hon'ble Supreme Court held that even if the delay is short, the Court ought not to condone it where a false

statement has been made in the application. Here, the delay is substantial, i.e. 859 days, and the explanation offered is patently false.

12. We note that in this case the objections to the certificate proceedings initiated against the appellant under the Jharkhand and Orissa Public Demand Recovery Act were rejected on 05.05.2016. Since then, the appellant seems to have some vested interest in only keeping the proceedings pending for as long as possible. Based on such pendency, no payments are being made pursuant to the certificates issued.

13. This seems to be yet another instance where the appeal was filed after considerable delay, objections were not cleared, the matter was allowed to be dismissed, then the restoration was applied for and secured, and now, an application for condonation of delay has been filed by giving not only vague but patently false reasons.

14. The appellant has not pursued this matter with diligence. As noted earlier, this matter was allowed to be dismissed for non-prosecution, but it was subsequently restored. There is no explanation why the certified copy was not filed in time or at least within some reasonable period thereafter. A vague statement that the certified copy was not filed due to unavoidable circumstances cannot constitute sufficient cause. In any event, if a party makes a patently false statement on oath, there is no question of showing any indulgence.

15. For these reasons, I.A. No. 12965 of 2026 is dismissed.

16. Consequently, even the accompanying appeal will not survive and is disposed of. No costs.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

September 28, 2026
BS/Madhav/-
Uploaded on: 01 / 10 /2026