IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 512 of 2025

1. M/s Heavy Engineering Corporation Ltd., A Government of India Enterprise, through its SDGM Incharge Town Administration Division, having its office at Plant Plaza Road, Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.
2. Chief of Township, Heavy Engineering Corporation Ltd., having its office at Plant Plaza Road, Dhurwa, P.O. & P.S. Dhurwa, Ranchi 834004, District Ranchi.

... ... **Appellants**

Versus

1. Jharkhand Swami Sahjanand Saraswati Samiti, a Society registered under the Societies Registration Act, 1860, having its registered office at Sector -2, Dhurwa, P.O. and P.S. Dhurwa, Ranchi-834004, District Ranchi; through its General Secretary namely Janardan Prasad Rai, aged about …. years, son of Late Raghunath Rai, resident of B-3-488, HEC, Dhurwa, P.O. & P.S. Dhurwa, Ranchi-834004, District Ranchi.
2. Narayan Prasad Jalan, aged about …. years, son of Late Ganesh Prasad Jalan, resident of 9/3, Basant Vihar, Panchwati Apartment, Kanke Road, P.O. Ranchi University, P.S. Gonda, District Ranchi, Pin 834008 (Jharkhand) **… … ... Respondents**

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

For the Appellants : Mr Rounak Sahay, Advocate
For the Respondents :

Order No.02/ Dated: 26.10.2026
***Per* M.S. Sonak, C.J.**

I.A. No.11688 of 2025

1. Heard Mr Rounak Sahay for the applicants.

2. This I.A. seeks condonation of delay of 583 days in filing the accompanying appeal.

3. The reason set out in the application concerns the company's financial health. It is pleaded that the company is in an extremely poor financial condition, leading to a breakdown in its functioning. The I.A. points out that the applicants are unable to pay salaries to their employees and even to provide basic medical facilities. It is further pleaded that even the employees are living in extreme hardship and are not in a position to pay their children's school fees or access basic health care.

4. Now, the reasons set out in the I.A., assuming they are correct, have nothing to do with the delay in filing this appeal. Incidentally, this appeal seeks to demolish a school building on a portion of the property leased by the appellants to the respondents. If this school is demolished, the children of the employees who must attend it will face further hardship.

5. The challenge to the learned Single Judge’s order is on the ground that the land leased by the appellants to the respondents was the subject of misrepresentation by the respondents, who represented themselves as the original lessee of the said property. Mr. Sahay pointed out that the original lessee was Swami Sahajanand Saraswati Samiti and not the Jharkhand Swami Sahajanand Saraswati Samiti. He submitted that the Jharkhand Swami Sahajanand Saraswati Samiti was quite alien, and that the lease agreement was executed with this Samiti only by misrepresentation. Though, at this stage, we

are not required to go into the merits of the matter, we note that the learned Single Judge, in the impugned order, has referred to a recital in the new lease deed which the appellants now seek to cancel. This recital records, in its terms, that no lease agreement was executed with the Jharkhand Swami Sahajanand Saraswati Samiti, and, therefore, the appellant, being fully aware of this circumstance, has agreed to execute the lease agreement on mutually agreed terms and conditions set out in the delay.

6. The learned Single Judge has held that the argument about misrepresentation cannot now hold given the recital in the fresh lease deed.

7. In any event, there is no explanation for the inordinate delay of 583 days in filing this appeal. The general grounds of financial hardship or inability to pay employees' salaries cannot be a sufficient reason for failing to file the appeal within the prescribed period of limitation, or at least within a reasonable period thereafter.

8. Accordingly, we dismiss the I.A. and consequently, the accompanying appeal. No costs.

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

(Manoj Prasad, J.)

October 26th, 2026
BS/Madhav/-