



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 11309 OF 2024
IN
ARBAST/13793/2022

NATIONAL HIGHWAYS AUTHORITY OF INDIA THR ITS PROJECT
DIRECTOR B S SALUNKE

VERSUS

BHIKA SHRIDHAR WANI AND ORS

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Advocate for Applicant :

Mr. D. P. Madkar h/f. Mr. Manorkar Deepak S

Advocate for Respondent No.2 :

Mr. Umesh Gite h/f. Mr. Mukul Kulkarni

Advocate for Respondent No.3 : Mr. U. B. Bondar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17.04.2026

PER COURT:

1. Civil Application No.11309 of 2024 is filed to condone the delay of 833 days in filing the present appeal. The reasons are mentioned at Paragraphs No.8 to 12, as under:

"8. That after receipt of the above impugned order under challenge was then discussed, scrutinized and examined by the office of applicant with the legal consultant. That after being satisfied that the above impugned order requires to be challenged before Hon'ble High Court it was decided to send the proposal for approval from the competent authority of NHAI.

9. That the office of applicant requires administrative approval for every important decision to be taken, thus in pursuance to obtain approval for challenging the above impugned order before appellate forum the communication was sent to the Regional Office of NHAI at Nagpur.

10. That above proposal and the impugned order was then further scrutinized and discussed at the R.O. office of NHAI at Nagpur and then administrative approval for challenging in the above impugned order was communicated to the office of applicant. Thereafter the office of applicant issued further necessary instructions to its legal counsel about the same.

11. That thereafter the draft of appeal was submitted by the legal counsel was studied, discussed and finalized and after arrangement for financial approvals for the payment of court fees some additional time had gone.

12. That the said impugned order dated 18/9/2019 ought to have been challenged in appeal on or before / /20 i.e. within 90 days from passing of the order, but a delay of 833 days has occurred for filing the appeal. The delay of above days unintentional but due to reasons mentioned above.

2. The learned counsel for the respondents opposed the application for condonation of delay in view of the Judgment of Hon'ble Supreme Court in the case of **Government of Maharashtra (Water Resources Department) Vs. Borse Brothers Engineers & Contractors Pvt. Ltd., MANU/SC/0195/2021.**

3. Considering the Judgment of the Hon'ble Supreme Court in the case of **Government of Maharashtra (Water Resources Department) Vs. Borse Brothers Engineers & Contractors Pvt. Ltd., MANU/SC/0195/2021**, such a large delay for the reasons stated of administrative convenience cannot be accepted.

4. The Civil Application for condonation of delay is dismissed. Accordingly, the Appeal is also dismissed.

[ARUN R. PEDNEKER, J.]

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