



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10863 OF 2024
IN
FIRST APPEAL (ST) NO.8291 OF 2021
WITH
FIRST APPEAL (ST) NO.8291 OF 2021

M/s. Future Generali Insurance Co. Ltd.

Through its Manager

...Applicant/Appellant

Versus

Rekha Manoj Kumar Gaud & Ors.

...Respondents

Mr. Rajesh Kanojia a/w Ms. Gargi Mandvikar for Applicant/Appellant.
None for the Respondents.

CORAM : JITENDRA JAIN, J.

DATE : 26 MARCH 2026

P.C.:

1. This application is filed by the insurance company for condoning delay of 435 days in filing an appeal under Section 30 of the Employee's Compensation Act, 1923.
2. The impugned order is dated 16 November 2019. As per Section 30, appeal had to be filed within 60 days i.e. on or before 16 January 2020. The appeal has been filed on 26 March 2021. Therefore, there is a delay of 1 year and 70 days i.e. 435 days.
3. In the interim application, one of the reason given for the delay is on account of Covid Pandemic. The Hon'ble Supreme Court has passed an order extending the time limit from 20 March 2020 till 28 February 2022. However, this decision was made applicable to those matters where the limitation expired after 20 March 2020. In this case,

the limitation had expired much before 20 March 2020. Therefore, the reason of Covid cannot be accepted. This has been settled by the Hon'ble Supreme Court in the case of ***Delhi Development Authority vs. Tejpal & Ors.***¹.

4. The second reason given is that the application for certified copy was submitted and the certified copy was received on 23 February 2021. There is no explanation as to after the impugned order was passed on 16 November 2019, why no application for certified copy was made within reasonable time. Therefore, in the absence of any explanation from 16 November 2019 till 23 March 2021, there does not exist any substantial cause.

5. The other reason given is on account of administrative hurdles. This is a general reason given without any supporting. The applicant is a private sector insurance company and such reasons are rejected by this Court even in case of public sector insurance company. Therefore, the reasons on account of administrative hurdles cannot be accepted.

6. The issue of substantial cause has been recently explained by the Hon'ble Supreme Court in the case of ***Shivamma (Dead) by LRs. vs. Karnataka Housing Board & Ors.***². In my view, the ratio of this decision squarely applies to the facts of the case, and in the absence of any sufficient cause being shown, delay cannot be condoned.

7. Interim Application for condonation of delay is dismissed. Consequently, First Appeal (St) No.8291 of 2021 also stands dismissed.

[JITENDRA JAIN, J.]

1 (2024) 7 SCC 433.

2 2025 SCC OnLine SC 1969