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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.17339 OF 2025

Grocery Markets & Shops Board,
through the Secretary & Another ... Petitioners

V/s.

Vidya Vinay Chavan ... Respondent

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KULKARNI

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Mr. Rahul Oak for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 26, 2026

P.C.:

1. The challenge in the present writ petition arises from an order of the Industrial Court allowing an application for condonation of delay. The respondent had stated that the delay was of 168 days. The explanation placed on record shows that the respondent is a diabetic patient and had to undergo foot surgery on 20 February 2023. She was discharged on 22 February 2023. The record further indicates that she was again admitted to hospital on 9 March 2023 and discharged on 11 March 2023. These facts are not in dispute. The question, therefore, is whether the explanation offered constitutes sufficient cause for delay in approaching the Industrial Court. The issue is not to test the correctness of the original complaint at this stage, but to examine whether the party was prevented by circumstances beyond her control from initiating proceedings within time.

2. The petitioner contends that an application challenging maintainability of the complaint was already filed and that the Industrial Court ought to have first decided that objection. It is also urged that the actual delay was 418 days and not 168 days as stated by the respondent. On this basis, the petitioner submits that the Industrial Court acted without jurisdiction in condoning delay before deciding maintainability. This submission requires careful scrutiny. The stage at which maintainability is examined and the stage at which delay is condoned operate in different fields. An application for condonation concerns access to adjudication. A maintainability objection concerns the sustainability of the proceedings after they are taken on file. The two issues, though connected in sequence, are not dependent on each other in law.

3. It is now settled that while deciding an application for condonation of delay, the Court is not expected to examine the merits of the underlying complaint. The Court does not conduct a mini trial at that stage. The only question is whether sufficient cause is shown for the delay. The expression “sufficient cause” receives a liberal and pragmatic construction so that substantial justice is not defeated by technical lapses, particularly where the explanation appears bona fide and supported by material. Therefore, the argument that the Industrial Court should have first entered into the issue of maintainability cannot be accepted. Consideration of merits or preliminary objections is outside the limited inquiry required while dealing with delay.

4. The explanation given by the respondent relates to a medical condition requiring surgery and repeated hospitalization. A

diabetic patient undergoing foot surgery ordinarily requires recovery time, follow up treatment, and restricted mobility. Such circumstances reasonably affect a person's ability to pursue legal proceedings promptly. Even if the petitioner's calculation of delay at 418 days is accepted for the sake of argument, the Industrial Court has exercised discretion after considering the explanation placed before it. The order reflects a positive exercise of jurisdiction aimed at enabling adjudication on merits. Interference in writ jurisdiction is warranted only when the discretion is shown to be arbitrary, perverse, or exercised in disregard of settled principles. No such infirmity is demonstrated in the present case.

5. In these circumstances, no ground is made out for interference under the extraordinary constitutional jurisdiction of this Court. The order condoning delay does not suffer from jurisdictional error or perversity.

6. The writ petition, therefore, does not merit admission and stands dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)