

Sayali

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

**FIRST APPEAL (ST) NO.-15944 of 2025
WITH
INTERIM APPLICATION NO. 11688 OF 2025
WITH
INTERIM APPLICATION NO. 3664 OF 2026
WITH
INTERIM APPLICATION NO.11689 OF 2025**

The Special Land Acquisition Officer	... Applicant-Appellant
V/s.	
Janardan Chandar Patil	... Respondent

Mr. A. R. Patil, Additional GP for Appellant.

Mr. Sachin Punde with Mr. Suraj Jadhav, for
Respondent- Org. Claimant.

CORAM : AMIT BORKAR, J.

DATED : JUNE 09, 2026

P.C.:

INTERIM APPLICATION NO. 11688 OF 2025

1. The State has preferred the present First Appeal along with an accompanying application seeking condonation of delay. By way of the said application, the applicant State has prayed that the delay of *5 years and 264* days caused in instituting the Appeal be excused.

2. It is the case of the applicant that though the Appeal could not be presented within the period prescribed by law, the delay was not intentional or deliberate. According to the applicant, certain administrative procedures and official formalities were required to be completed before a decision could be taken regarding filing of the Appeal.

3. It is well settled that while considering an application of this nature, the Court is required to examine whether the party seeking condonation has shown a sufficient cause for substantial period of delay. The law relating to limitation undoubtedly permits the Court to adopt a liberal approach in appropriate cases; however, such liberality cannot be extended in a mechanical manner merely because the applicant happens to be a State authority. The Court is therefore required to carefully scrutinize the explanation offered and ascertain whether the cause shown is sufficient and bona fide so as to justify exercise of discretion in favour of the applicant.

4. The learned AGP appearing on behalf of the applicant State submitted that the reasons set out in paragraph nos. 3 and 4 of the application constitute sufficient cause within the meaning of law. According to him, the delay has occurred on account of movement of files through various governmental departments and because approvals from competent authorities were required before the decision to challenge the impugned judgment could be finalized. He submitted that governmental functioning necessarily involves consultation at several levels

and consideration by different authorities, and therefore some amount of delay becomes unavoidable. It was further urged that the applicant has disclosed all relevant facts relating to the movement of the proposal and has placed before the Court the sequence of events which ultimately resulted in filing of the Appeal. On that basis, it was contended that the explanation furnished should be viewed in a pragmatic manner and the delay ought to be condoned so that the matter can be decided on merits rather than being rejected on a technical ground. The learned AGP therefore requested the Court to adopt a justice oriented approach and allow the application.

5. Per contra, the learned Advocate appearing for the claimant opposed the application and submitted that the explanations contained in paragraph nos. 3 and 4 are wholly inadequate and do not satisfy the requirement of sufficient cause. According to him, the application merely narrates certain official procedures without explaining the substantial period during which no effective steps were taken by the applicant. It was further argued that the applicant has failed to demonstrate any unavoidable circumstance which prevented it from approaching the Court within the prescribed period of limitation. The learned Advocate additionally contended that even otherwise the claimant has already succeeded in obtaining compensation determined at the rate of Rs.1,380/- per square metre and such determination is consistent with the Award which has already been confirmed by this Court and has

attained finality. According to him, the claimant is therefore entitled to the benefit of the decree and should not be deprived of the fruits thereof by permitting a belated challenge.

6. Upon careful examination of paragraph nos. 3 and 4 of the application, it becomes evident that the principal explanation put forward by the applicant relates to the various administrative steps allegedly undertaken for obtaining approval from different governmental authorities. Paragraph no. 3 contains a narration of the movement of the proposal and the processing of the matter at different levels. However, a closer scrutiny of the material placed on record reveals a significant deficiency in the explanation furnished by the applicant. Though certain dates and events have been referred to, there remains a substantial period which has not been accounted for. In particular, from 04th May 2019 until 06th December 2024, no explanation has been furnished indicating what prevented the applicant from pursuing the matter with reasonable diligence. The application remains conspicuously silent regarding the steps taken during this prolonged period. It is difficult to accept that the entire duration can be explained merely on the ground of administrative processing or movement of files. Government departments may indeed require time for decision making; however, even governmental authorities are expected to act with a reasonable degree of responsibility. When an applicant seeks condonation of a substantial delay, it becomes necessary to explain the delay in a satisfactory manner so that the Court may

be satisfied that the inaction was neither negligent nor lacking in bona fides. In the present case, the explanation furnished leaves a large portion of time unexplained. Such unexplained silence assumes significance because the discretion to condone delay is not exercised as a matter of course. The Court must be satisfied that the applicant has shown sufficient cause covering the entire period of delay. In the absence of any explanation for a portion of the delay, the reasons assigned by the applicant cannot be regarded as constituting sufficient cause within the meaning of law.

7. In view of the aforesaid discussion, this Court finds itself unable to accept the explanation tendered by the applicant. The material placed on record does not disclose any circumstance which would justify exercise of discretionary jurisdiction in favour of condonation of delay. Consequently, the application seeking condonation of delay deserves to be rejected. The application is accordingly rejected and stands dismissed.

8. As a necessary consequence of rejection of the application for condonation of delay, the Appeal itself cannot survive for consideration and is liable to be dismissed. The decree in favour of the claimant therefore continues to remain operative and enforceable in accordance with law. The claimant shall therefore be entitled to take appropriate steps for recovery of the decretal amount by instituting execution proceedings before the competent Executing Court. In the event such an execution application is filed, the Executing Court shall proceed to

consider and decide the same in accordance with law. Having regard to the fact that the acquisition proceedings have already remained pending for a considerable period of time, it would be appropriate that the Executing Court makes endeavour to ensure that the claimant receives the compensation payable under the decree as expeditiously as circumstances permit.

9. All Interim Applications are disposed of.
10. The Interim Application for stay is also dismissed.

(AMIT BORKAR, J.)