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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1038 OF 2026
IN
CRIMINAL APPLICATION FOR LEAVE TO APPEAL (ST) NO. 639 OF 2019
WITH
INTERIM APPLICATION NO. 1410 OF 2019

MSTC Limited ... Applicant
Vs.
Shri Ishar Alloy Steels Limited & Ors. ... Respondents

Mr. Kushal Mor a/w. Mr. Amit Jajoo, Ms. Anamika Singh, Mr. Vedant Chajjed and Mr. Kushal Boolchandani i/b. Trilegal for Applicant.
Mr. Vivek Sharma for Respondent Nos. 2 & 3.
Ms. Rashmi S. Tendulkar, APP for the Respondent / State

CORAM : M.M. SATHAYE, J.

DATE : 30th APRIL, 2026

P.C. :

1. Heard learned counsel for the parties.
2. This is an application for restoration of Application for Leave to Appeal (ST) No. 639 of 2019 alongwith Application No. 1410 of 2019 (for delay condonation), which were dismissed for default on 09.01.2026.
3. There is delay of 15 days in filing this application.
4. Learned counsel for the Applicant invited attention of the Court to the statements made in paragraph Nos.5 & 6 of the application and submitted that earlier Advocate did not appear when

the matter was called out due to inadvertent lapse and there was no intention to abandon the application.

5. Learned counsel for Respondent Nos. 2 and 3 has opposed the delay condonation application contending that sufficient cause is not made out.

6. The Applicant is a government company and leave was sought to challenge an order of acquittal under Section 138 of the Negotiable Instruments Act, 1881.

7. Considering the averments, extent of delay and nature of controversy, sufficient cause is made out. However, Respondent Nos. 2 & 3 are entitled to suitable costs as compensation.

8. The application is therefore allowed by passing following order.

(A) Subject to the Applicant depositing costs of Rs. 15,000/- in this Court (for Respondent Nos. 2 & 3), within a period of 4 weeks from today, this application is allowed; delay is condoned and both CRIMINAL APPLICATION FOR LEAVE TO APPEAL (ST) NO. 639 OF 2019 and INTERIM APPLICATION NO. 1410 OF 2019 are restored.

(B) On deposit of costs, Respondent Nos. 2 & 3 shall be at liberty to withdraw.

(M.M. SATHAYE, J.)