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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2631-2024 (O&M)
Date of decision: 03.02.2026

PUNJAB STATE CIVIL SUPPLIES CORPORATION LIMITED & ANR.
...Appellants(s)

VERSUS

M/S EVERSHINE RICE MILLS & ANR.
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Pushpanjali, Advocate for
Mr. T. S. Sidhu, Advocate
for the appellants.

JASGURPREET SINGH PURI, J. (Oral)

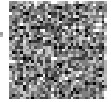
CM-3287-CII-2025

Prayer in this application is for placing on record the additional affidavit.

For the reasons mentioned in the application, the same is allowed.
The additional affidavit dated 11.02.2025 is taken on record, subject to all just exceptions.

CM-9916-CII-2024

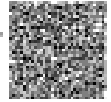
1. The present application has been filed under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 1067 days in filing the present appeal.
2. Learned counsel appearing on behalf of the applicants-appellants while referring to the present application and the additional affidavit dated



11.02.2025 filed by the applicants-appellants submitted that the reason for delay in filing the present appeal was that after the impugned order dated 06.12.2021 was passed by the learned Additional District Judge, Faridkot, the relevant documents including the duly signed copy of the appeal were handed over by the applicant-Corporation to the Clerk of an empanelled Advocate in the month of February, 2022 and although the appeal was filed and a diary number was allotted but certain objections were raised and thereafter, there was no communication with the said Advocate and subsequently, the said Advocate was de-panelled from the applicant-Corporation and vide letter dated 23.11.2023, the present Advocate was entrusted with the case and the present fresh appeal was ultimately filed on 08.04.2024 and this caused a delay of 1067 days in filing the present appeal. She further submitted that because of *bona fide* reasons, the present appeal could not be filed in time and therefore, the aforesaid delay may be condoned.

3. I have heard the learned counsel appearing on behalf of the applicants-appellants.

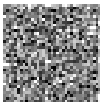
4. There has been a huge delay of 1067 days in filing the present appeal. The aforesaid impugned order was passed by the learned Additional District Judge, Faridkot on 06.12.2021 in a petition filed under Section 34 of the Arbitration and Conciliation Act, 1996. It was the argument of the learned counsel appearing on behalf of the applicants-appellants and the grounds taken in the additional affidavit that the aforesaid delay occurred because the appeal was entrusted to an Advocate who did not file the same, although initially he filed the appeal and a diary number was assigned but no appeal number was



allotted due to certain objections and it was only on 23.11.2023 when a new Advocate was entrusted with the appeal that the present fresh appeal was filed.

5. The applicant-Corporation is a State Undertaking and a Procurement Agency and it has got its own law office and legal advisors and it is not a case that the applicant-Corporation, which is a Public Sector Undertaking, is not aware of the legal processes but rather the applicant-Corporation is involved in large scale litigation. The ground which has been taken by the applicants-appellants in the additional affidavit that the relevant documents were handed over to the Clerk of an empanelled Advocate is not a cogent reason for seeking condonation of delay. Even otherwise, as per the additional affidavit, the documents were entrusted to an Advocate in the month of February, 2022 and thereafter, to the present Advocate, through whom the present appeal was filed on 23.11.2023, after a gap of more than 1½ years and it is not understandable why the legal officers of the applicant-Corporation themselves could not have pursued the same. When the present Advocate was freshly engaged by the applicants-appellants, then as per the additional affidavit, he was entrusted with the case on 23.11.2023 but still the present appeal was filed on 08.04.2024, which is again beyond the period of limitation. Therefore, by no stretch of imagination it can be said that the aforesaid delay of 1067 days in filing the present appeal has been caused in a *bona fide* manner.

6. This Court is of the considered view that such a huge delay can be condoned only in cases where it can be proved on record that there exists some sufficient cause or *bona fide* reasons. The aforesaid grounds do not constitute sufficient cause for condonation of delay, especially in the arbitration matters.



7. Consequently, finding no merit in the present application, the same is hereby dismissed.
8. Since the application filed under Section 5 of the Limitation Act seeking condonation of delay of 1067 days in filing the appeal is dismissed, the main appeal bearing No.FAO-2631-2024 also stands dismissed.

03.02.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No