



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CM-3164-LPA-2019 in/&
LPA-1441-2019 (O&M)
Date of Decision: 25.03.2026

RAJ SINGH

...Appellant

Versus

TEHSILDAR (SALES) ROHTAK AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Dinesh Arora, Advocate,
for the applicant-appellant.

Mr. Sandeep Chhabra, Addl. A.G., Haryana.

Mr. Pankaj Gupta, Senior Panel Counsel,
for respondent No.4-UOI.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The present appeal has been filed along with an application (CM-3164-LPA-2019) seeking condonation of delay of 1501 days in filing the appeal.
2. Learned counsel for the applicant-appellant submits that the delay of 1501 days in filing the appeal is *bona fide* and therefore, the same should be condoned.
3. Learned counsel for the respondents submit that there is a huge delay of 1501 days in filing the appeal and no proper explanation has been put forth explaining such delay and therefore, the application for condonation of delay deserves to be dismissed.
4. We have heard the learned counsel for the parties and have



gone through the record with their able assistance.

5. It may be noticed that the law with regard to the condonation of delay has already been settled in Office of the Chief Post Master General & Ors. vs. Living Media India Ltd. & Anr., AIR 2012 SC 1506, wherein the Hon'ble Supreme Court of India has held that each day's delay has to be explained so that the decision could be taken whether the delay in filing was *bona fide* or not. The relevant paras of the aforesaid judgment are as under:-

“12) It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bonafide, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.

13) In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone



under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

“28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

30. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

6. A bare perusal of the application seeking condonation of delay does not show any justifiable reasons for condoning the huge delay of 1501 days, rather the only process of filing an application was mentioned and the said reason is not good enough to condone the delay of 1501 days.



7. Further, the rights of the parties have already been crystallized and the crystallized rights cannot be taken away mere on the asking of the appellant, who is approaching to file an appeal after a period of more than five years.
8. Keeping in view the totality of the circumstances, no ground is made out for condoning the delay of 1501 days in filing the present appeal and therefore, the application (CM-3164-LPA-2019) is dismissed.
9. As the application for condonation of delay has been dismissed, the appeal preferred is beyond the prescribed period of limitation and cannot be considered as a valid appeal to be decided and the same is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 25, 2026
harish

Whether speaking/reasoned	Yes
Whether reportable	No