

Review Petition No.210/2014

30.09.2014

Shri Neelesh Agrawal, learned counsel for the applicant.

Heard on **IA No.6147/2014**, an application seeking condonation of delay in filing the review petition.

The delay is of 332 days.

Following is the explanation offered in the application for condonation of delay: -

“3. That the applicant is a body corporate, and its decisions are to be taken by the board & the State Government collectively. The review petition could not be filed because the papers had to pass through several different tables, and finally the review petition is being filed after the directions through the letter dated 05/05/2014 issued by the deputy secretary of the housing and environment Department of the State Government.

4. Thus there is no intention to cause deliberate delay in disposal of the case. The case of the applicant is based on merit and no dilatory tactics have been adopted by the applicant.”

Having gone through the aforesaid reasons, we find that the explanation seeking condonation of such a huge delay is not satisfactory.

The Supreme Court in the case of **Office of the Chief Post Master General v. Living Media India Ltd.** AIR 2012 SC 1506 after examining the affidavit of the person-in-charge of the case to justify the delay found that there was delay at every stage with no explanation for the cause of delay. The Supreme Court also took serious note of the casual manner in which the Government Departments are functioning showing virtually no respect to the law of limitation. And, while dismissing the appeal on the ground

of delay, which was of 427 days the Supreme Court has made the following observation : -

“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.

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 Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.”

The aforesaid view has again been affirmed by the Supreme Court in case of **State of Uttar Pradesh v. Amar Nath Yadav** [(2014) 2 SCC 422].

Having gone through the aforesaid judgment, we are of the view that there is no justification to condone such a huge unexplained delay. The application is, therefore, rejected.

Moreover, even on merits also no ground has been made out to invoke the jurisdiction of review which is extremely limited.

In the circumstances, the review petition is also dismissed.

(Shantanu Kemkar)
Judge

(Jarat Kumar Jain)
Judge