IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 13239-13240 OF 2026
(Arising out of SLP (C) Nos.32582-32583 of 2026)

UP CO OPERATIVE FEDARATION LIMITED .... APPELLANT(S)

VERSUS

RAKESH KUMAR DWIVEDI & ORS. .... RESPONDENT(S)

O R D E R

1. Heard. Leave granted.

2. By the impugned order, the jurisdictional High Court has refused to condone the delay of 130 days in filing two intra-court appeals, namely Special Appeal Defective No. 426 of 2024 and Special Appeal Defective No.427 of 2024, on the ground that cause for delay was not properly explained and the cause shown was not being satisfactory.

3. We have heard the learned advocates appearing for the parties at length. The short question that would arise for our consideration is:

> "Whether in the facts and circumstances of the case, the delay of 130 days ought to be condoned or the impugned order rejecting the cause shown as being insufficient, deserves to be affirmed?"

Signature Not Verified
Digitally signed by RASHI GUPTA
Date: 2026.10.15 18:16:46 IST
Reason:

Without going into all the details and burdening this order, it would suffice to state that two writ petitions, namely, Writ A No.12482 of 2019 and Writ A No.518 of 2024, came to be filed by the respondents herein before the High Court of Judicature at Allahabad, Lucknow Bench, challenging the office memorandum dated 04.07.2018 issued by the U.P. Co-operative Federation Limited (hereinafter referred to as '**Appellant**' for sake of brevity and convenience). The said writ petitions came to be allowed by judgment dated 29.02.2024. For non-compliance of the said judgment rendered in Writ A No.518 of 2024, Contempt Application (C) No.2841 of 2024 came to be filed and by the order dated 25.07.2024, notice to the contemnors, namely, the appellant herein, came to be issued. Immediately thereafter, for non-compliance of the judgment rendered in Writ A No.518 of 2024, Contempt Application (C) No.3050 of 2024 came to be filed and notice came to be issued to the contemnor, i.e., appellant herein, on 05.08.2024.

4. Against the aforesaid common judgment and order passed in Writ A No.12482 of 2019 and Writ A No.518 of 2024, intra-court appeals

were filed on 07.08.2024 in S.A.D. No.426 of 2024 and S.A.D. No.427 of 2024, along with an application for stay of the said judgment and an application for condonation of delay. The respondents in the said appeals were granted 10 days' time to file objections to the application for condonation of delay by the order dated 14.08.2024. On 29.08.2024, the appeals came to be adjourned to 05.09.2024 by recording that liberty is granted to the parties to seek adjournment before the contempt court, as the Division Bench was seized of the matter. Hence, the court adjudicating the contempt took note of the same and ordered to list the contempt application after the decision of the aforesaid special appeal along with Contempt Application (C) No. 2841 of 2024. When Contempt Application (C) No. 2841 of 2024 was taken up for consideration on 21.10.2024, the learned Single Judge took note of the submissions made by both the parties and granted three weeks' time, since the learned counsel for the contemnor had submitted that if an interim order is not granted in the special appeal, the respondent would file an affidavit of compliance. The aforesaid appeal was listed on 25.10.2024 and Division Bench of High Court took note of the fact that despite the appeal pending, the contempt proceedings is

continuing and as such it held that contempt proceedings would remain deferred till the next date of listing and accordingly adjourned the matter to 07.11.2024. However, on passing of the said order, the learned counsel appearing before the court brought to the notice of the said court about delay in filing of appeal having not been condoned, and the appellants themselves were taking adjournment before the contempt court. Hence, the special appeal was ordered to be listed on 04.11.2024. An application came to be filed by the contemnor in Contempt Application (C) No.2841 of 2024 with a prayer to defer the contempt proceedings for the reasons indicated therein. However, the court adjudicating the contempt was of the view that by an order dated 21.10.2024, the contemnor had been granted time to file an affidavit of compliance and had been held that in the event of the respondent-contemnor not filing the same, he should appear for framing of the charges. Hence, recording the absence of the contemnor the Contempt Court ordered for listing the matter on next date, i.e., 26.11.2024. Again, the matter was ordered to be listed on 05.12.2024. On the same date, i.e., 05.12.2024, a supplementary affidavit in respect of the application for condonation of delay in Special Appeal Defective No.427 of

2024 was also filed by the contemnor. On 19.12.2024, the contemnor was granted six weeks' time to file compliance affidavit and failing which it was held that the charges would be framed. When the contempt application was listed on 16.01.2025 and application for impleading the present Managing Director in place of the earlier Managing Director who had been transferred came to be filed and it was allowed and notice were issued to the impleaded respondent to show cause why contempt proceedings should not be initiated against him for wilful disobedience of the order dated 29.02.2024 passed in the common judgment and Writ A No.518 of 2024 and connected matters.

5. Being aggrieved by the same SLP (C) No.5406 of 2025 was filed before this Court and this Court by order dated 17.03.2024 granted stay of the order impugned, i.e., 16.01.2025, vide order dated 17.03.2025. Subsequently when the said SLP was listed on 25.02.2026, this Court by order dated 25.05.2026 requested the Division Bench of the High Court to take up and dispose of this special appeal referred to herein supra i.e., for 426 and 427 of 2024 i.e., Special Defective Appeal and till disposal of the same contempt proceedings came to be stayed. The Division Bench thereafter by the

impugned order, took up both the appeals and dismissed the appeals on the ground of delay as already been noticed herein above.

6. Though the learned counsel appearing for the appellant(s) has raised hue and cry that the jurisdictional High court was agitated on account of the appellant having approached this Court, we are not inclined to examine the said contention and it does not merit consideration. Turning our attention to the core issue, namely, as to whether appeals could have been dismissed on the ground of delay or the delay ought to have been condoned, it requires to be noted that, at the outset that no litigant would stand to benefit by approaching the Courts belatedly. While considering the prayer for condonation of delay, it is not the length of delay, it is the cause for the delay which would be of paramount consideration. However, short the delay may be, if the cause shown does not inspire confidence or it is not in the proximity of truth, the cause shown for delay cannot be accepted. Even, if the length of delay is too long and the cause shown is sufficient, as prescribed under Section 5 of the Limitation Act, 1963 and if it would fall within ‘sufficient cause’, irrespective of the length of delay, same deserves to be condoned. This Court has repeatedly held that certain amount of latitude

requires to be extended in respect of the appeals filed by the State where delay on account of administrative reasons would occur and if such administrative reasons are genuine, bonafide and without any malafide intention, such cause deserves to be condoned.

7. At this juncture, we may note with benefit the judgment of this Court in the case of ***Collector, Land Acquisition, Anantnag and Another* v. *Mst. Katiji and Others***, reported in **AIR 1987 SC 1353: (1987) 2 SCC 107**, whereunder it has been held as follows:

> "**3.** The legislature has conferred the power to condone delay by enacting Section 5 of the Indian Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on "merits". The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice that being the life-purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:
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> > "**1.** Ordinarily a litigant does not stand to benefit by lodging an appeal late.
> >
> > **2.** Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.
> >
> > **3.** "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.

Making a justice-oriented approach from this perspective, there was sufficient cause for condoning the delay in the institution of the appeal. The fact that it was the "State" which was seeking condonation and not a private party was altogether irrelevant. The doctrine of equality before law demands that all litigants, including the State as a litigant, are accorded the same treatment and the law is administered in an even-handed manner. There is no warrant for according a step-motherly treatment when the "State" is the applicant praying for condonation of delay. In fact experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be subjected to appeal) and the inherited bureaucratic methodology imbued with the note-making, file-pushing and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve. In any event, the State which represents the collective cause of the community, does not deserve a litigant-non-grata status. The courts therefore have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression "sufficient cause". So also the same approach has to be evidenced in its application to matters at hand with the end in view to do even-handed justice on merits in preference to the approach which scuttles a decision on merits. Turning to the facts of the matter giving rise to the present appeal, we are satisfied that sufficient cause exists for the delay. The order of the High Court dismissing the

> appeal before it as time-barred, is therefore, set aside. Delay is condoned. And the matter is remitted to the High Court. The High Court will now dispose of the appeal on merits after affording reasonable opportunity of hearing to both the sides."

As noted in the aforesaid judgment, everyday delay need not be explained. If said yardstick is applied, then question may arise why not every second of delay should be explained. When the officials who man the process of filing of the appeals does not exhibit lethargy, the cause shown for administrative delay cannot be ignored and right cause cannot be nipped at the bud by dismissing it on the technical ground of delay. If the cause shown is sufficient, the delay deserves to be condoned.

8. This Court in the case of ***State of Nagaland* v. *Lipok AO and Others***, ***(2005) 3 SCC 752,*** has held as follows:

> "15. It is axiomatic that decisions are taken by officers/agencies proverbially at a slow pace and encumbered process of pushing the files from table to table and keeping it on the table for considerable time causing delay - intentional or otherwise - is a routine. Considerable delay of procedural red tape in the process of their making decision is a common feature. Therefore, certain amount of latitude is not impermissible. If the appeals brought by the State are lost for such default no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression "sufficient cause" should, therefore, be considered with pragmatism in a justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay. The factors which are peculiar to and characteristic of the functioning of the governmental conditions would be cognizant to and requires adoption of pragmatic approach in justice-oriented process. The court should decide the

> matters on merits unless the case is hopelessly without merit. No separate standards to determine the cause laid by the State vis-à-vis private litigant could be laid to prove strict standards of sufficient cause. The Government at appropriate level should constitute legal cells to examine the cases whether any legal principles are involved for decision by the courts or whether cases require adjustment and should authorise the officers to take a decision or give appropriate permission for settlement. In the event of decision to file appeal, needed prompt action should be pursued by the officer responsible to file the appeal and he should be made personally responsible for lapses, if any. Equally, the State cannot be put on the same footing as an individual. The individual would always be quick in taking the decision whether he would pursue the remedy by way of an appeal or application since he is a person legally injured while the State is an impersonal machinery working through its officers or servants."

9. Keeping the aforesaid principles in mind, when we turn our attention to the facts unfolded in the instant case, it would indicate that prime cause for delay is on account of the administrative constraints. It has been specifically pleaded in the affidavit filed in support of the application for condonation of delay that competent authority had to take a decision for filing the appeal against the order dated 29.02.2024 and he was discharging the duties of being election observer in the state of Gujarat in the general elections during the period March 2024 to May 2024. It is also stated that immediately thereafter the High Court remained closed due to summer vacation in June 2024 and immediately after returning from the duty as observer, the Managing Director of the appellant Federation is said to have

perused the order dated 29.02.2024 and on obtaining legal opinion filed the appeal immediately on 26.07.2024. The steps taken from the date of receipt of certified copies till the date of filing of the appeal has been explained in detail at paragraph nos.9 to 20 of the supplementary affidavit dated 05.12.2024. Thus, it can be seen that the Managing Director of the appellant Federation had been deputed as an election observer for the Lok Sabha Election, 2024 and for want of his administrative approval, the delay seems to have occasioned. The cause shown for the delay, thus cannot be construed as mala fide or the said delay being intentional. To put it differently, the cause shown being in the proximity of the truth and would fall within the four corners of 'sufficient cause' as envisaged under Section 5 of the Limitation Act, 1963 and as such the delay of 130 days in filing the appeal ought to have been condoned. The impugned order dismissing the application for condonation of delay thus cannot be sustained. On account of the writ applicants having been per forced to appear before the High Court and before this Court for opposing the application for condonation of delay and having spent both time and money, we are of the considered view that they should be suitably compensated.

10. For reasons assigned hereinabove, we set aside the impugned order conditionally, namely, by directing appellant(s) herein to pay costs to each of the writ applicant quantified at Rs.2000/- (Rupees Two Thousand) per person, payable within an outer limit of four weeks from today and only on production of proof of having paid the cost or deposited the cost, the appeals shall be taken up and heard on merits and in accordance with law. The said costs shall be deposited before the jurisdictional High Court or paid to each of the writ applicant directly and the High Court shall adjudicate the appeal on merits and in accordance with law expeditiously, subject to cooperation by the learned advocates appearing for the parties and during the pendency of the said appeal, the contempt proceedings shall remain stayed.

11. Accordingly, these appeals stand disposed of.

12. Pending application(s), if any, shall stand consigned to records.

…….…….....J.
[ARAVIND KUMAR]

…….…….....J.
[VIPUL M. PANCHOLI]

New Delhi;
September 29th, 2026.

ITEM NO.20 COURT NO.10 SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).32582-32583/2026

[Arising out of impugned final judgment and order dated 05-08-2026 in SAD No. 427/2024 05-08-2026 in SAD No. 426/2024 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

UP CO OPERATIVE FEDARATION LIMITED Petitioner(s)

VERSUS

RAKESH KUMAR DWIVEDI & ORS. Respondent(s)

FOR ADMISSION
IA No. 275577/2026 - EXEMPTION FROM FILING O.T.

Date : 29-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :Mr. Prem Prakash, AOR
Ms. Vineeta Singh, Adv.
Mr. Aditya Harsh, Adv.
Ms. Deepali Nanda, Adv.
Mr. Tarush, Adv.

For Respondent(s) :Mr. Shishir Chandra, Adv.
Mr. D. K. Garg, Adv.
Mr. Dhananjay Garg, AOR
Mr. Abhishek Garg, Adv.
Mr. Harsh Kumar Agarwal, Adv.
Mr. Pradeep Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

Appeals are disposed of in terms of the Signed Order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER (NSH)