2023INSC885

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5867 OF 2015

SHEO RAJ SINGH (DECEASED)
THROUGH LRS. & ORS. ...APPELLANT(S)

VERSUS

UNION OF INDIA & ANR. ...RESPONDENT(S)

J U D G M E N T

DIPANKAR DATTA, J.

THE CHALLENGE

1. This appeal, at the instance of certain affected landowners, challenges an order dated 21st December 2011 passed by a learned Single Judge of the High Court of Delhi ("High Court", hereafter). By the order under challenge, the High Court allowed an application filed by the Union of India ("first respondent", hereafter) under section 5 of the Limitation Act, 1963 ("Limitation Act", hereafter) and thereby condoned the delay of around 479 days in presentation of an appeal from the decision of the Reference Court under section 18 of the Land Acquisition Act, 1894.

THE ISSUE

2. The limited issue that we are tasked to decide is, whether the High Court was justified in condoning the delay in presentation of the appeal. In the process, we need to necessarily consider whether the first respondent had shown sufficient cause for which the appeal could not be presented within the prescribed period of limitation.

RELEVANT FACTS GIVING RISE TO THE APPEAL

3. The appeal has its genesis in a proceeding for acquisition of land. It is noticed from the materials on record that the Reference Court in LAC No. 198/08, *vide* its order dated 31st October 2008, enhanced compensation payable to the landowners. Such order was sought to be challenged by the first respondent in an appeal before the High Court on 2nd June 2010, numbered as LA. App. No. 655/2010. Since the appeal was time barred (delayed by 479 days), the first respondent applied for condonation of delay.

4. After considering the pleadings as well as the other materials on record, the High Court was satisfied that the first respondent, as the appellant, had shown sufficient cause for which it could not present the appeal within time; hence, *vide* the impugned order, it proceeded to allow C.M. No. 11018/2010. The delay of 479 days in presentation of the appeal was condoned but not without the High Court imposing costs of Rs. 10,000/- on the first respondent.

5. The explanation put forth by the first respondent, which ultimately found favour with the High Court, reveals the lamentable institutional inefficiency and the deplorable bureaucratic inertia.

6. The following events in the aftermath of the order of the Reference Court need to be briefly mentioned. Counsel who represented the first respondent before the Reference Court applied for the certified copy of the Reference Court's order on 22nd April 2009, despite the same being passed on 31st October 2008. Thereafter, certified copy was received on 30th July 2009. On 10th August 2009, the Deputy Legal Advisor (Land and Building) advised the first respondent to file an appeal before the High Court. The Principal Secretary (Land and Building) then approved the proposal for filing the appeal on 11th August 2009 (erroneously mentioned as 2010 in the application for condonation delay before the High Court). The Deputy Legal Advisor (Land and Building) thereafter sent the certified copy and the approval of the Principal Secretary to the Deputy Commissioner (East) on 26th August 2009, which was received on 28th August 2009, whereupon the case file reached the Land Acquisition Collector on 31st August 2009. The case file was next forwarded to the counsel for the first respondent for preparation of the appeal on 17th September 2009, and the same was sent back to the first respondent on 7th October 2009. The file for payment of the requisite court fee of Rs. 51,36,592/- was put up before the relevant Deputy Commissioner on 12th October 2009. Subsequently, the budget for the same was sanctioned on 15th December 2009. The certified copy of the order of the Reference Court, in the meanwhile, was misplaced

necessitating another application for the same which was made on 24th October 2009. Pursuant thereto, certified copy was received on 3rd November 2009; thereafter the Accounts Department, on 12th January 2010, sent the case file to the Finance Department for the requisite funds. The Finance Department's letter dated 15th March 2010 approving the funds was received by the Accounts Department on 25th March 2010. The cheque towards court fees was received sometime in April 2010, after which the same was deposited with the Treasury on 7th May 2010. The Treasury having deposited the court fees on 11th May 2010, finally the appeal came to be presented on 2nd June 2010.

APPELLANT'S CONTENTIONS

7. Mr. Chinmoy Pradip Sharma, learned senior counsel, contended that the High Court plainly erred in condoning the delay without sufficient cause being shown therefor. He pointed out that the reasons cited were not reasonable by any measure, and that the same were habitual unacceptable explanations meted out in such land acquisition matters to seek condonation of delay. Adverting to the order granting the prayer for condonation of delay, it was next submitted that the High Court, and this Court, on numerous occasions had refused to condone delays of lesser periods. An attempt was made to impress upon us that it was not even the case of the first respondent that the explanation proffered by it in the present matter was more cogent than the ones in the other cases before several fora which were not accepted. He urged that the High Court caused

a failure of justice in not appreciating that inter-departmental correspondence, bereft of an attempt to explain the delay, did not amount to showing sufficient cause warranting condonation of the same. The approach of the High Court was criticised as mechanical and perverse.

8. Mr. Sharma submitted that the application for condonation of delay before the High Court simply provided a narration of the 'chain of matters' post the order of the Reference Court. In the present case, not only was there a delay of almost 6 months in applying for a certified copy of the order of the Reference Court, but also a delay of 10 months thence in filing the appeal after receipt of approval from the Principal Secretary (Land and Building) on 11th August 2009. Such an explanation, Mr. Sharma urged, ought not to be construed as a satisfactorily explained delay as per **Balwant Singh (Dead) v. Jagdish Singh & Ors**.[1]

9. Relying on several other decisions of this Court, more particularly the decision in **University of Delhi v. Union of India & Ors**[2], Mr. Sharma prayed that the appeal be allowed by setting aside the impugned order and dismissing the appeal of the first respondent before the High Court as time barred.

RESPONDENTS' CONTENTIONS

10. *Per contra*, Mr. Sanjiv Sen, learned senior counsel, urged this Court not to disturb the findings in the impugned order since the High Court had,

[1] (2010) 8 SCC 685.
[2] (2020) 13 SCC 745.

in judicious exercise of discretion, condoned the delay after satisfying itself as to the sufficiency of the reasons for the delay in presentation of the appeal.

11. Mr. Sen was heard informing us of the negligent conduct of counsel for the first respondent before the Reference Court costing him his empanelment. The delay in applying for the certified copy of the order of the Reference Court, according to him, was mainly due to unprofessional conduct of the concerned counsel and so implored Mr. Sen that such conduct should not have any bearing in the mind of the Court to nip a meritorious claim of the first respondent in the bud, particularly when stakes are high and the public exchequer is likely to be unnecessarily drained if the impugned order were interdicted.

12. Insofar as the subsequent delay is concerned, Mr. Sen sought to remind us of the impersonal machinery and bureaucratic methodology of government departments contributing to such delays. He submitted that it is unfortunate that such delays often act as impediments in the way of the State's collective cause for the community, where the ultimate prey happens to be public interest.

13. Mr. Sen put forth the contention that the High Court, in due exercise of its discretion, had chosen the pragmatic path while noting that the negligence in pursuing the appeal did not amount to callousness; it was in this light that the High Court had condoned the delay after imposing heavy costs on the first respondent.

14. In the light of the foregoing submissions, Mr. Sen prayed that the High Court ought to be given the opportunity to decide LA. App. No. 655/2010 on its own merits where the appellant would have the opportunity to persuade the High Court to dismiss the appeal, if at all. He, thus, prayed that the present appeal be dismissed.

THE PRECEDENTS

15. Learned senior counsel for both the parties invited our attention to various decisions of this Court, which we propose to consider hereafter.

16. In **Collector, Land Acquisition, Anantnag & Anr. v. Mst. Katiji & Ors.**[3] the relevant high court did not condone the delay of 4 (four) days in presentation of an appeal by the Collector in a land acquisition matter for which the order rejecting the application under section 5 of the Limitation Act was carried in appeal. This Court opined that legislature had conferred power under section 5 in order to enable the courts to do substantial justice to the parties by disposing of matters on "merits". It was further held that the expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which sub-serves the ends of justice — that being the life-purpose for the existence of the institution of courts. Despite the liberal approach being adopted in such matters, which was termed justifiable, this Court lamented that the message had not percolated down to all the other courts in the hierarchy and, accordingly, emphasis was laid on the Courts adopting a

[3] (1987) 2 SCC 107.

liberal and justice-oriented approach. The following passage from the decision is reflective of this Court's realization that:

> **"3. […] And such a liberal approach is adopted on principle as it is realized that:**
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> ***
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> ***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.**
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> ***
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> ***6.*** **It must be grasped that judiciary is respected not on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so."**
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> (bold in original)

17. **State of Nagaland v. Lipok AO & Ors.**[4] arose out of an appeal where this Court condoned the State's delay of 57 days in applying for grant of leave to appeal before the high court against acquittal of certain accused persons. This Court observed that in cases where substantial justice and a technical approach were pitted against each other, a pragmatic approach should be taken with the former being preferred. Further, this Court noted that what counted was indeed the sufficiency of the cause of delay, and not the length, where the shortness of delay would be considered when using extraordinary discretion to condone the same. This Court also went on to record that courts should attempt to decide a case on its merits, unless the same is hopelessly without merit. It was also observed therein that it would

[4] (2005) 3 SCC 752.

be improper to put the State on the same footing as an individual since it was an impersonal machinery operating through its officers.

18. In **Balwant Singh** *(supra)*, this Court refused to condone the delay of 778 days in bringing on record the legal heirs of the petitioner therein through an application filed under Order XXII Rule 9 of the Code of Civil Procedure, 1908. It was observed that though sufficient cause should be construed in a liberal manner, the same could not be equated with doing injustice to the other party. For sufficient cause to receive liberal treatment, the same must fall within reasonable time and through proper conduct of the concerned party. The Court emphasised that for such an application for condonation to be seen in a positive light, the same should be *bona fide*, based on true and plausible explanations, and should reflect the normal conduct of a common prudent person. Further, the explained delay should be clearly understood in contradistinction to inordinate unexplained delay to warrant a condonation.

19. **Lanka Venkateswarlu (Dead) v. State of Andhra Pradesh & Ors**.[5] happened to be a case where this Court set aside the impugned judgment condoning both a delay of 883 days in filing the petition to set aside the dismissal order by the relevant high court, along with a delay of 3703 days caused by the respondents in bringing on record the legal representative of the appellant. This Court observed that whilst the high court admonished the concerned government pleaders for their negligence

[5] (2011) 4 SCC 363.

in prosecuting the appeal before it and not providing a sufficient cause for delay, it nonetheless proceeded to condone the delay despite holding the same to be unjustifiable.

20. In **Postmaster General & Ors. v. Living Media India Limited & Anr**.[6], this Court noted that in cases when there was no gross negligence, deliberate inaction, or lack of *bona fides*, a liberal concession ought to be adopted to render substantial justice but on the facts before the Court, the appellant could not take advantage of the earlier decisions of this Court. Further, merely because the State was involved, no different metric for condonation of delay could be applied to it. Importantly, it noted that the appellant department had offered no proper and cogent explanation before this Court for condonation of a huge delay of 427 days apart from simply mentioning various dates. The claim on account of impersonal machinery and inherited bureaucratic methodology of making file notes, it was held, not acceptable in view of the modern technologies being used and available. Also, holding that the law of limitation undoubtedly binds everybody, including the Government, this Court went on to reject the prayer for condonation.

21. This Court in **Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & Ors.**[7], whilst referring to various precedents rejected the pleas of lack of knowledge and miscarriage of justice raised by the respondent/managing committee in challenging an

[6] (2012) 3 SCC 563.
[7] (2013) 12 SCC 649.

interim order of a Single Judge of the high court. It then proceeded to set aside the impugned judgment condoning a delay of 2449 days in challenging the said interim order based on lack of *bona fides*. Paragraph 21 of the decision contains the principles culled out by this Court from the several precedents that it had considered in the process.

22. A Bench of three Hon'ble Judges of this Court in **State of Manipur & Ors. v. Koting Lamkang**[8] was faced with a delay of 312 days by the State in preferring its first appeal before the high court. This Court, on grounds of public interest, the impersonal nature of governments, and the ramifications of individual errors on State interest, condoned the delay in filing the first appeal on payment of costs of Rs. 50,000/-.

23. In **Delhi University** *(supra)*, another Bench of three Hon'ble Judges of this Court declined to condone the delay of 916 days by the appellant in challenging an order of a Single Judge of the high court. This Court, whilst distinguishing **Mst. Katiji** *(supra)* on facts, observed that the consideration to condone could only be made on presentation of a reasonable explanation, and the same could not be done simply because the appellant therein was a public body. It then went on to note the conduct of the appellant in demonstrating delay and laches not only in filing the appeal, but also the original writ petition before the high court at the first instance. While refusing to condone the appellant's delay, it was specifically noted that condonation of delay at that stage would be prejudicial to public

[8] (2019) 10 SCC 408.

interest as one of the respondents therein (Delhi Metro Rail Corporation) had received large amounts of money years ago to carry out development on the subject land in question.

24. We may profitably refer hereunder to some other decisions of this Court for the purpose of the present adjudication.

25. **G. Ramegowda v. Spl. Land Acquisition Officer**[9], while summarising the position of law on 'sufficient cause', had the occasion to observe that the contours of the area of discretion of the courts in the matter of condonation of delays in filing appeals have been set out in a number of pronouncements of this Court. It was observed to be true that there is no general principle saving the party from all mistakes of its counsel. Noting that there is no reason why the opposite side should be exposed to a time-barred appeal if there was negligence, deliberate or gross inaction or lack of *bona fides* on the part of the party or its counsel, it was further observed that each case will have to be considered on the particularities of its own special facts. However, this Court reiterated that the expression 'sufficient cause' in section 5 must receive a liberal construction so as to advance substantial justice and generally delays in preferring appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of *bona fides* is imputable to the party seeking condonation of the delay. This was followed by these words:

[9] (1988) 2 SCC 142.

"15. In litigations to which Government is a party there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected; but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals.

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17. Therefore, in assessing what, in a particular case, constitutes 'sufficient cause' for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have 'a little play at the joints'. Due recognition of these limitations on governmental functioning — of course, within reasonable limits — is necessary if the judicial approach is not to be rendered unrealistic. It would, perhaps, be unfair and unrealistic to put government and private parties on the same footing in all respects in such matters. Implicit in the very nature of governmental functioning is procedural delay incidental to the decision-making process." […]

26. **Mst. Katiji** *(supra)* was also noticed by a Bench of three Hon'ble Judges of this Court in **State of Haryana v. Chandra Mani**[10] where we find the following discussion:

"11. *** When the State is an applicant, praying for condonation of delay, it is common knowledge that on account of impersonal machinery and the inherited bureaucratic methodology imbued with the note-making, file-pushing, and passing-on-the-buck ethos, delay on the part of the State is less difficult to understand though more difficult to approve, but the State represents collective cause of the community. It is axiomatic that decisions are taken by officers/agencies proverbially at slow pace and encumbered process of pushing the files from table to table and keeping it on 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

[10] (1996) 3 SCC 132.

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 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." ***

27. This Court, in **Special Tehsildar, Land Acquisition v. K.V. Ayisumma**[11], had the occasion to observe that it would not be necessary for the State to provide a day-to-day explanation of delay while seeking condonation of the same. The relevant observations therein read as follows:

> "It is now settled law that when the delay was occasioned at the behest of the Government, it would be very difficult to explain the day-to-day delay. The transaction of the business of the Government was being done leisurely by officers who had no or evince no personal interest at different levels. No one takes personal responsibility in processing the matters expeditiously. As a fact at several stages, they take their own time to reach a decision. Even in spite of pointing at the delay, they do not take expeditious action for ultimate decision in filing the appeal. This case is one of such instances. It is true that Section 5 of the Limitation Act envisages explanation of the delay to the satisfaction of the court and in matters of Limitation Act made no distinction between the State and the citizen. Nonetheless adoption of strict standard of proof leads to grave miscarriage of public justice. It would result in public mischief by skilful management of delay in the process of filing the appeal. The approach of the Court should be pragmatic but not pedantic. Under those circumstances, the Subordinate Judge has rightly adopted correct approach and had condoned the delay without insisting upon explaining every day's delay in filing the review application in the light of the law laid down by this Court. The High Court was not right in setting aside the order. Delay was rightly condoned."

[11] (1996) 10 SCC 634.

ANALYSIS

28. We have heard Mr. Sharma and Mr. Sen, appearing on behalf of the appellants and the respondents respectively, and perused the order under challenge.

29. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an 'explanation' and an 'excuse'. An 'explanation' is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must however be taken to distinguish an 'explanation' from an 'excuse'. Although people tend to see 'explanation' and 'excuse' as the same thing and struggle to find out the

difference between the two, there is a distinction which, though fine, is real. An 'excuse' is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an 'excuse' would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.

30. Be that as it may, it is important to bear in mind that we are not hearing an application for condonation of delay but sitting in appeal over a discretionary order of the High Court granting the prayer for condonation of delay. In the case of the former, whether to condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation would be the question. Law is fairly well-settled that "a court of appeal should not ordinarily interfere with the discretion exercised by the courts below". If any authority is required, we can profitably refer to the decision in **Manjunath Anandappa v. Tammanasa**[12], which in turn relied on the

[12] (2003) 10 SCC 390.

decision in **Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha**[13] where it has been held that "an appellate power interferes *not* when the order appealed is not right but only when it is clearly wrong".

31. The order under challenge in this appeal is dated 21st December 2011. It was rendered at a point of time when the decisions in **Mst. Katiji** *(supra)*, **Ramegowda** *(supra)*, **Chandra Mani** *(supra),* **K.V. Ayisumma** *(supra)* and **Lipok AO** *(supra)* were holding the field. It is not that the said decisions do not hold the field now, having been overruled by any subsequent decision. Although there have been some decisions in the recent past [**State of M.P. v. Bherulal**[14] is one such decision apart from **University of Delhi** *(supra)*] which have not accepted governmental lethargy, tardiness and indolence in presenting appeals within time as sufficient cause for condonation of delay, yet, the exercise of discretion by the High Court has to be tested on the anvil of the liberal and justice oriented approach expounded in the aforesaid decisions which have been referred to above. We find that the High Court in the present case assigned the following reasons in support of its order:

a. The law of limitation was founded on public policy, and that some lapse on the part of a litigant, by itself, would not be sufficient to deny condonation of delay as the same could cause miscarriage of justice.

[13] (1980) 2 SCC 593.
[14] (2020) 10 SCC 654.

b. The expression sufficient cause is elastic enough for courts to do substantial justice. Further, when substantial justice and technical considerations are pitted against one another, the former would prevail.

c. It is upon the courts to consider the sufficiency of cause shown for the delay, and the length of delay is not always decisive while exercising discretion in such matters if the delay is properly explained. Further, the merits of a claim were also to be considered when deciding such applications for condonation of delay.

d. Further, a distinction should be drawn between inordinate unexplained delay and explained delay, where in the present case, the first respondent had sufficiently explained the delay on account of negligence on part of the government functionaries and the government counsel on record before the Reference Court.

e. The officer responsible for the negligence would be liable to suffer and not public interest through the State. The High Court felt inclined to take a pragmatic view since the negligence therein did not border on callousness.

32. Given these reasons, we do not consider discretion to have been exercised by the High Court in an arbitrary manner. The order under challenge had to be a clearly wrong order so as to be liable for interference, which it is not.

33. It is now time to distinguish the two decisions on which Mr. Sharma heavily relied on.

34. **Balwant Singh** *(supra)* arose out of a landlord-tenant dispute. Our thought process need not be guided by the law laid down on what would constitute 'sufficient cause' in a dispute between private parties to a case where the Central Government is a party.

35. According to Mr. Sharma, **University of Delhi** *(supra)* is a decision by a larger Bench and, therefore, binding on us. This Court, while deciding **University of Delhi** *(supra)*, was seized of a situation where even if the delay were to be condoned, it would cause grave prejudice to the respondent Delhi Metro Rail Corporation at the instance of the casual approach of the appellant University. This Court, on the argument of non-availability of the Vice Chancellor for granting approval to file the appeal, and other reasons put forth in the matter, could not conclude that there was fulfilment of sufficient cause for condonation of delay; hence, the refusal to condone the delay. The decision really turns on the facts before this Court because of the prejudice factor involved.

36. We can also profitably refer to **Koting Lamkang** *(supra)*, cited by Mr. Sen, where the same Bench of three Hon'ble Judges of this Court which decided **University of Delhi** *(supra)* was of the view that the impersonal nature of the State's functioning should be given due regard, while ensuring that individual defaults are not nit-picked at the cost of collective interest. The relevant paragraphs read as follows:

> "7. But while concluding as above, it was necessary for the Court to also be conscious of the bureaucratic delay and the slow pace in reaching a government decision and the routine way of deciding whether the State should prefer an appeal against a judgment adverse to it. Even while observing that the law of limitation would harshly affect the party, the Court felt that the delay in the appeal filed by the State, should not be condoned.
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> 8. Regard should be had in similar such circumstances to the impersonal nature of the Government's functioning where individual officers may fail to act responsibly. This in turn, would result in injustice to the institutional interest of the State. If the appeal filed by the State are lost for individual default, those who are at fault, will not usually be individually affected."
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> (underlining ours, for emphasis)

37. Having bestowed serious consideration to the rival contentions, we feel that the High Court's decision to condone the delay on account of the first respondent's inability to present the appeal within time, for the reasons assigned therein, does not suffer from any error warranting interference. As the aforementioned judgments have shown, such an exercise of discretion does, at times, call for a liberal and justice-oriented approach by the Courts, where certain leeway could be provided to the State. The hidden forces that are at work in preventing an appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order of a lower court and thereby secure unholy gains, can hardly be ignored. Impediments in the working of the grand scheme of governmental functions have to be removed by taking a pragmatic view on balancing of the competing interests.

CONCLUSION

38. For the foregoing reasons and the special circumstances obtaining here that the impugned order reasonably condones the delay caused in presenting the appeal by the first respondent before the High Court, the present appeal is, accordingly, dismissed. Pending applications, if any, also stand disposed of.

39. Parties shall bear their own costs.

.....J.
[BELA M. TRIVEDI]

.....J.
[DIPANKAR DATTA]

NEW DELHI;
9TH OCTOBER, 2023.