IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

ORDER ON IA NO. 814 OF 2019

IN

DFR NO. 1034 OF 2019

Dated : 13th November, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member

In the matter of:

Punjab Energy Development Agency (PEDA) Ltd.
Through its Executive Director Sh. Balour Singh,
Plot No. 1-2, Sector 33-D,
Chandigrh-160034 **…. Appellant(s)**

Vs.

1. **Punjab State Electricity Regulatory Commission,**
   Through its Secretary
   S.C.O. 220-221, Sector 34-A,
   Chandigarh - 160022

2. **M/s Solaire Urja Private Limited**
   Office No.# 203, Pentagon P-3,
   2nd Floor, Magarpatta City,
   Hadapsar,
   Pune – 411013

3. **Punjab State Power Corporation Limited (PSPCL),**
   Through its Chairman-cum-Managing Director,
   Having its office at the Mall, Patiala,
   Punjab - 147001 **…. Respondent(s)**

Counsel for the Appellant (s) : Mr. Aadil Singh Boparai,
Mr. Gurlabh Singh, Advocates
Mr. Sunil Chodhary, Manager, PEDA

Counsel for the Respondent(s) : Mr. Avinash Menon, for R-1

Mr. Tajender K. Joshi for R-2

O R D E R

PER HON'BLE MR. S. D. DUBEY, TECHNICAL MEMBER

1. The Application being IA No.814 of 2019 has been filed along with the present Appeal (DFR No.1034 of 2019) for condoning the delay in filing the Appeal for a period of 312 days on account of administrative reasons and processing of file at multiple levels of the Appellant/Applicant' organization. The present Appeal is filed under Section 111 of Electricity Act, 2003 against the Order dated 13.03.2018 in Petition No.22 of 2016 passed by the Punjab State Electricity Regulatory Commission.

2. The Appellant contends that the draft of the present Appeal was sent by the Counsel of the Appellant/Applicant on 07.01.2019. The delay in filing the Appeal has been caused on account of administrative and multiple approvals at different levels of the Appellant/Applicant organization. The Appellant/Applicant submits that it had good case on merits and likely to succeed in the present Appeal. The balance of convenience is in favour of the Appellant/Applicant and the interest of

justice will suffer if the present Application is not allowed. Therefore, learned counsel for the Appellant prayed to condone the delay of 312 days in filing the Appeal. To substantiate the case to condone the delay in filing the Appeal for 312 days, the Appellant/Applicant has filed an additional affidavit dated 13.02.2019 for explaining the delay in filing the Appeal, contending that the applicant duly implemented the directions of the Commission without any delay whatsoever and inevitable delay has occurred on one or the other account which is peculiar to a Government department. It is important to note that the applicant being a Government department is bound to follow the procedures prescribed for taking decisions to redress the grievances before the appropriate forum.

3. The Appellant's counsel has submitted that the delay has occasioned given the requirement of multiple procedural approvals within a Government organization. Therefore, the said delay is neither intentional and the same is bonafide in nature and the Appellant/Applicant being the Government organization / statutory authority, the Court should take lenient view and condone the delay in filing the Appeal on the ground that the Appellant/Applicant has got a good case on merits and most probably is likely to succeed in the Appeal.

4. The learned Counsel has further submitted that the applicant is an instrumentality of the State and the custodian of the collective interest of the society. The internal proceedings within the applicant organization led to delay in filing the appeal. Moreover, the counsel of the applicant sought additional information and comparative analysis of several other projects over the past years before the draft could be finalized. The information relating to projects commissioned in the past was not readily available that led to the delay in furnishing the said information to the counsel.

5. To substantiate his submissions, the learned counsel appearing for the Appellant, Shri Aadil Singh Boparai, vehemently contended and submitted that it is worthwhile to state that the Hon'ble Supreme Court in the case of State of Nagaland vs. Lipok Ao and Others reported in (2005) 3 SCC 752 had held that,

> *"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 decisions making 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 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.*"

6. Further, he vehemently submitted that given the impersonal machinery of the State and the bureaucratic methodology, the approval process in a Government department entails procedural approvals at several levels. However, in view of the fact that the State represents the collective cause of the community, a certain degree of latitude is humbly prayed in view of the important proposition of law involved in the present appeal.

7. The delay in filing the appeal is bona fide, occurred due to the inadvertent misplacement of the file and the requirement of seeking approvals at several levels peculiar to a Govt organization. The Appellant/Applicant organization is pursuing several cases before the Punjab State Electricity Commission, District Courts, Hon'ble Punjab & Haryana High Court and this Tribunal and the delay has also occasioned due to the paucity of the staff. The counsel for the appellant/applicant rejected the grounds averred by the Respondents in their replies as furthest from the truth and reflects their ignorance with regard to the bureaucratic methodologies peculiar to the State. Therefore, he submitted that taking into consideration the totality of the case, the delay has been explained satisfactorily and sufficient cause has been shown in the light of the Judgments of the Apex Court, the

delay in filing may kindly be condoned and the instant Appeal may heard on merits in the interest of justice and equity.

8. During the hearing of the case, learned counsel for the Appellant cited the judgment of this Tribunal dated 21.12.2018 in IA No.762 of 2018 in DFR No.1540 of 2018 to contend that this Tribunal has already condoned a delay of 472 days in filing the referred Appeal whereas number of days' in the present case in hand are considerably less (312 days). Learned counsel for the appellant accordingly urged that this Tribunal may kindly take similar stand in the present case and condone the delay in filing the Appeal to the extent of 312 days.

9. ***Per Contra,*** learned counsel appearing for the Respondent No. 1, Shri Avinash Menon, has filed a detailed reply by submitting that in the explanation, the Appellant has prayed that as the State represents the collective cause of the community, a certain degree of latitude may be granted to it and the consequent delay in filing the appeal be condoned. Learned counsel has placed reliance on the decision of the Hon'ble Supreme Court in the case of *Post master General vs Living Media India Ltd*. as it has been inter-alia held therein that the time taken in getting intra departmental approvals cannot be a valid ground for condoning the delay in filing appeals as under :

"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."

(Emphasis supplied)

10. Further, he relied on Judgment in "Brijesh Kumar and Ors vs. State of Haryana : (2014) 11 SCC 351" as held in paras 8 & 10 of the said Judgment mentioned as herein under –

"8. In P.K. Ramachandran v. State of Kerala [(1997) 7 SCC 556 : AIR 1998 SC 2276] , the Apex Court while considering a case of condonation of delay of 565 days, wherein no explanation much less a reasonable or satisfactory explanation for condonation of delay had been given, held as under: (SCC p. 558, para 6)

"6. Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no power to extend the period of limitation on equitable grounds."

> *10. The courts should not adopt an injustice-oriented approach in rejecting the application for condonation of delay. However the court while allowing such application has to draw a distinction between delay and inordinate delay for want of bona fides of an inaction or negligence would deprive a party of the protection of Section 5 of the Limitation Act, 1963. Sufficient cause is a condition precedent for exercise of discretion by the court for condoning the delay. This Court has time and again held that when mandatory provision is not complied with and that delay is not properly, satisfactorily and convincingly explained, the court cannot condone the delay on sympathetic grounds alone."*
>
> *(Emphasis supplied)*

11. Learned counsel for the Respondent No.1 further placed reliance on the Judgment in case of "Pundlik Jalam Patil vs. Executive Engineer, Jalgaon Medium Project (2008) 17 SCC 448" as held in para 19 of the said Judgment, which reads thus –

> ***"19.** In Ajit Singh Thakur Singh v. State of Gujarat [(1981) 1 SCC 495 : 1981 SCC (Cri) 184] this Court observed: (SCC p. 497, para 6)*
>
> > *"6. … it is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute sufficient cause."*
> >
> > *(emphasis supplied)*
>
> *This judgment squarely applies to the facts in hand."*

12. Learned counsel appearing for the Respondent No. 1 also placed reliance on the Judgments of the Apex court in the case of "Basawaraj

and Ors v. The Spl. Land Acquisition Officer : AIR 2014 SC 746" which has held in paras 9, 10, 11 & 15 as under—

> *"9. Sufficient cause is the cause for which Defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the view point of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the Court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose. (See: Manindra Land and Building Corporation Ltd. v. Bhootnath Banerjee and Ors. AIR 1964 SC 1336; Lala Matadin v. A. Narayanan AIR 1970 SC 1953; Parimal v. Veena @ Bharti AIR 2011 SC 1150; and Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai AIR 2012 SC 1629.)*
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> *10. In Arjun Singh v. Mohindra Kumar AIR 1964 SC 993 this Court explained the difference between a "good cause" and a "sufficient cause" and observed that every "sufficient cause" is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof that that of "sufficient cause".*
>
> *11. The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be*

imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible. (Vide: Madanlal v. Shyamlal AIR 2002 SC 100; and Ram Nath Sao @ Ram Nath Sahu and Ors. v. Gobardhan Sao and Ors. AIR 2002 SC 1201.)

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15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bonafide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

(Emphasis supplied)

13. Learned counsel for the Respondent No.1 was quick to submit that in view of the facts and circumstances of the case as stated supra, the explanation purported to be given by the Appellant/Applicant for the delay of 312 days in the filing of the appeal and its averment in paragraph 3(l) that the appeal was filed with utmost alacrity is entirely frivolous and not bonafide. There is a clear lack of bonafide, negligence and a false stand taken by the Appellant/Applicant. Therefore, on the principles laid by the Hon'ble Courts for condonation

of delay as mentioned herein, the instant application is liable to be rejected at the threshold, with costs.

14. Lastly, he placed reliance on the Order dated 14.12.2018 passed by this Tribunal in PEDA vs. PSERC : Case in IA No.1085 of 2018 in DFR No.2307 of 2018 which reads thus:-

> *".....*
> *25. It is pertinent to note as to how the concerned officer, in spite of having all the infrastructure at his disposal, that too, in digital era of whatsapp, e-mail, messages and all scientific and technological improvements, expert assistance, well equipped learned officials working in the Department is not forthcoming in their application, additional affidavit nor written submissions. Therefore, we hold that the statement made in the Application / Additional Affidavit is not applicable to the facts and circumstances of the case in hand and further it would not give any assistance to the learned counsel appearing for the Appellant/Applicant to substantiate the statement made in the application for condoning the delay in filing. Therefore, we do not find any force in the submissions of the learned counsel appearing for the Appellant/Applicant to condone the delay in filing the Appeal.*
>
> *.....*
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> *28. It is not in dispute that the person(s) concerned were well aware or conversant with the issue of the period of limitation prescribed for taking the steps by way of filing an Appeal before this Tribunal. They cannot claim that they have a separate period of limitation when the Department/Organisation was possessed with competent persons familiar with court proceedings, and also have got well-qualified legal assistance. In absence of reasonable explanation, we are at a loss to understand as to why the delay has 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, a liberal approach has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances of the case*

in hand, the Appellant/Applicant organization 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 technology being used and available. The law of limitation undoubtedly binds everybody including Government Departments.

29. We thus, hold that it is a right time to inform all the Government bodies, local authorities, their agencies and instrumentalities thereof, that unless they have reasonable and acceptable explanation for delay and there were proper efforts and if there is no plea except to say that the file was kept pending for several months/years, the statement of considerable degree of procedural red-tape in the process. The Government Departments are under special obligation to ensure that they perform their duties with diligence and commitment. The condonation of delay is an exception and should not be used as an anticipated benefit for the Government Department. The law shelters everyone under the same light and should not swirl for the benefit of a few.

15. Summing up his arguments, learned counsel for Respondent No.1 submitted that his Tribunal may accordingly consider whether the instant application seeking condonation of delay to the tune of 312 days filed by the Appellant/Applicant passes the muster of sufficient cause as per the principles enunciated by the Hon'ble Supreme Court and this Tribunal.

16. ***Per contra***, learned counsel for Respondent No.2.contended that the State Commission has rightly given the benefit of extension of 43 days in commissioning of the Solar Project of the answering Respondent No. 2. As per the facts of the case the answering Respondent No. 2 was entitled to get benefit of much more days and

the appellant was not entitled to encash any performance bank guarantee. The State Commission allowed the appellant to encash the Performance bank guarantee for a period of 27 days. The State Commission has noted in the order dated 13-3-2018 that the PEDA took 64 days in amending the I.A. but the State Commission wrongly granted three weeks time to the PEDA for this amendment and held that the delay on the part of the PEDA is 43 days (64-21). It is further submitted that the PSPCL amended the PPA and took 20 days and the State Commission further held that the 3 weeks is sufficient for amending the PPA. But the State Commission lost sight of the fact that the PEDA and PSPCL were together granted six weeks time for amending IA and PPA. The answering Respondent no. 2 was given 10 months time for commissioning of the project and out of the same 84 days were wasted by the PEDA and PSPCL in amending the I.A. and PPA and for this 84 days the answering Respondent No. 2 could not do any work. Though the order of the State Commission is wrong in granting three weeks time to PEDA and PSPCL each but the answering respondent No. 2 did not challenge the same just to by the peace. Remaining contents of this para of the application are totally wrong and hence denied.

17. The contents of para 2 of the application are totally vague, wrong and illegal and hence denied. It is further submitted here that the applicant/

appellant has earlier filed an appeal bearing DFR No. 2307 of 2018 before this Hon'ble Tribunal and challenged the order dated 14-2-2017 passed by the Punjab State Electricity Regulatory Commission in Case No. 17 of 2016 in the matter of M/s Oasis Green Energy Private Ltd. The applicant has filed the said appeal before this Tribunal with a delay of 461 days and filed an application bearing I.A. No. 1085 of 2018 for condonation of delay. This Tribunal vide its order dated 14-12-2018 dismissed the said application for condonation of delay and also dismissed the appeal. The perusal of the said order would show that the applicant has taken similar grounds in the present application also. This fact clearly proves that the applicant has made false averments in the present application and it is liable to be dismissed by this Tribunal. The relevant paras of the above said order dated 14-12-2018 passed by this Hon'ble Tribunal are not being reproduced here as the same has already been presented by Respondent No.1.

18. That the contents of para 3 of the application are totally wrong and hence denied. The reply to the time line given by the appellant is as under:-

a. The contents of sub para 3(a) of the application is matter of record.

b. The contents off sub para 3(b) of the application are matter of

record.

c to d The reply to sub para 3(c) to (d) are totally wrong and hence denied. The applicant has failed to produce on record any noting etc. on the file to show what the officials were doing from 20-3-2018 to 19-4-2018. The applicant has failed to mention the reason for writing its standing counsel on 11-5-2018 when on 19-4-2018 the applicant/ appellant has decided to sought any opinion from the standing counsel.

e. The contents of sub para 3(e) of the application are totally wrong and hence denied. The applicant has failed to mention the details sought by their counsel and when it was asked. The applicant has made a totally vague averment.

f to g. The contents of sub para 3(f) to (g) are totally wrong and hence denied. The averments made by the applicant in these sub paras are totally vague. The applicant has failed to mention at what level the matter was considered and how much time it took. The applicant has failed to mention at what time the decision was taken to file an appeal before this Hon'ble Tribunal. The applicant has not attached any noting on the file showing the deliberations done by the different levels of the applicant organization.

h to i. The contents of sub para 3(h) to (i) of the application are totally wrong and hence denied. The applicant has failed to mention when the documents were sent to the counsel for preparing the appeal. The applicant has made vague averments that the first draft of the appeal was sent on 7-1-2019. The averments made by the applicant are totally vague

and false.

19. The contents of para 4 of the application are correct to the extent that the applicant implemented the directions of the State Commission and released the remaining Bank Guarantee. The remaining contents of this para of the application are totally wrong and hence denied. The applicant has failed to mention about the prescribed procedure which took 312 days in filing the present appeal. The applicant has failed to produce on record the notings on the files to show that the delay of 312 days caused in filing the present appeal is bonafide.

20. The contents of para 5 of the applicant are totally wrong and hence denied. The applicant has failed to mention when the documents were sent to the counsel for preparing the appeal and when the counsel sought additional information.

21. The judgment of the Hon'ble Supreme Court in the case of State of Nagaland Vs. LipokAoand others, (2005) 3 SCC 752, is a matter of record. But, the same is not applicable in the present case having totally different facts. It is further submitted that the above said judgment of the Hon'ble Supreme Court was also relied upon by the applicant/ appellant I.A. No. 1085 of 2018 in DFR No. 2307 of 2018 and this Hon'ble Tribunal considered the said judgment and found to

be not applicable. The relevant part of the order passed by this Tribunal is reproduced here under for the kind perusal of this Tribunal.

> *"..In view of the above, we do not find any justification and good ground as such made out by the Appellant/Applicant, nor do we find that satisfactory or sufficient cause been shown. Therefore, we are of the considered view that the said reliance placed by the counsel is not applicable to the facts and circumstances of the case in hand....".*

22. The contents of para 7 of the application are totally wrong and hence denied. It is totally denied that the applicant is having a good case on merits. It is also denied that any preposition of law is involved in the present matter. The present application and the appeal filed by the appellant are nothing but abuse of process of law. As such the present application is liable to be dismissed by this Tribunal.

23. The prayer made by the applicant/ appellant is totally us-justified and the applicant/ appellant is not entitled to get any relief from this Tribunal. It is, therefore, respectfully prayed that in view of the reply and submissions made above the application filed by the applicant/ appellant for condonation of delay may kindly be dismissed with costs, in the interest of justice. Any other relief , order or direction which this Tribunal may deem fit and proper in the facts and

circumstances of the case may also be passed in favour of the answering respondent No. 2, in the interest of justice.

Our Findings

24. We gave carefully considered the rival submissions of the learned counsel of the Appellant and learned counsel for the Respondent Nos.1 & 2 and also taken note of various judgments of Hon'ble Supreme Court as well as this Tribunal relied upon by the parties. The only point that arises for our consideration is whether the Applicant/Appellant has explained the delay in filing the Appeal satisfactorily and whether sufficient cause has been shown to be looked into instant case, having regard to the facts and circumstances of the case, stated supra.

25. Regarding reliance of the Appellant on the order of this Tribunal dated 21.12.2018 in which a delay of 472 days in filing the Appeal was condoned, it is brought out that the said case is in entirely distinguishable from the present case in hand. In fact, in that case, certain gross mis-consideration by the State Commission was noticed which has arisen due to the fact that the Commission had for the first time determined such tariff and wrongly considered some parameters which were crucial for the correct and fair determination of tariff. Further, in that case, Appellant had approached the Respondent

Commission for clarification but rather than considering the case on merit, the Commission had declared the petition as Review petition and dismissed the same on technical ground and also justified its original order on certain justification. Additionally, the Appellant / UPPCL in that case submitted revised and elucidated affidavit explaining the delay meticulously and the same was duly considered as sufficient cause for condoning the delay.

26. It is a settled principle of law that meaning of "several days delay must be explained" is not to be construed and applied liberally and the Tribunal ought to have applied the law in a meaningful manner which would sub-serve the common ends of justice and equity. The term "sufficient cause" as implied by the legislature ought to be interpreted in the true spirit and philosophy of law. The apex court in a catena of judgments has laid down and reiterated the principles pertaining to condonation of delay in a number of judgments.

27. It is relevant to note that the State Commission in the instant case has taken a balanced view while evaluating the extent of delay and has made efforts to strike a balance between the various stakeholders in its order dated 13.03.2018. The State Commission has already allowed part of the bank guarantees to be encashed by the Appellant herein and the Appellant is aggrieved due to the same as it intends to

encash the entire bank guarantee amount. In view of such encashment of bank guarantee already allowed by the State Commission in favour of the Appellant, the balance of convenience now lies in favour of the Respondent No.2. Hence, we are of the opinion that the Appellant has failed to properly justify the delay in filing the appeal.

28. An identical issue came up before this Tribunal in IA No. 1085 of 2018 in DFR No. 2307 of 2018 filed by the same Appellant (PEDA) relating to another generator namely M/s Oasis Green Energy Private Ltd. in which the Appellant had filed the IA for condonation of delay amounting to 461 days. The said application was dismissed by this Tribunal vide its order dated 14.12.2018. The explanations rendered by the Appellant in the present application and those in the earlier application are, by and large, similar in nature i.e. administrative reasons and multiple levels of processing in the Appellant's organization. After critical evaluation of the reasons and justifications given by the Appellant in the earlier IA No.1085 of 2018 in DFR No. 2307 of 2018, it was held that the Appellant has miserably failed to assign any unavoidable or cogent reasons leading to sufficient cause for condoning the inordinate delay. Similar is the position in respect of the present IA No.814 of 2019. The other point which is glaring to us is

that the Appellant is in the nature of making exorbitant delays in filing the Appeals and later on praying for condonation of such delays.

29. Considering the facts and circumstances of the case that there was neither satisfactory explanation nor sufficient cause offered by the Appellant/Applicant for the delay except mentioning statements ominous in nature, we hold that the Appellant/Applicant has miserably failed to assign any unavoidable or cogent reasons sufficient to condone 312 days' delay in filing the Appeal.

30. Accordingly, the Application, being IA No. 814 of 2019, filed by the Appellant for condoning the delay in filing the Appeal is dismissed on the ground of delay and latches and consequently the Appeal, being DFR No. 1034 of 2019, is also dismissed.

Pronounced in the open Court on this 13th Day of November, 2019.

(S.D. Dubey)
Technical Member

(Justice Manjula Chellur)
Chairperson

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