

(1998) 06 AP CK 0022
In the Andhra Pradesh High Court
Case No : W.A. No. 892 of 1998

Chief Engineer, Roads and Buildings, Erramanzil, Hyd. and Others APPELLANT

Vs

R.K. Engineers, Hyd. RESPONDENT

Date of Decision : 16-06-1998

Acts Referred:

Citation : (1998) 4 ALD 413 : (1998) 4 ALT 282 : (1998) 3 APLJ 20

Hon'ble Judges : Umesh Chandra Banerjee, C.J; Bilal Nazki, J

Bench : Division Bench

Advocate : Mr. M. Ramaiah, Special Government Pleader for Taxes, for the Appellant; Mr. A. Malahar Rao, for the Respondent

Judgement

Umesh Chandra Banerjee, CJ

1. It appears that is a delay of 328 days in the matter of representation of the appeal. Be it noted that there is also a delay of 39 days in the matter of filing of the appeal. Assuming we accept the submission of the learned Advocate appearing in support of the appeal and condone the delay of 39 days, but there is no explanation whatsoever in regard to the delay of 328 days for representation of the appeal. The appeal was presented after some delay before the Department. The department returned the same by reason of certain defects therein. The explanation offered is that there was heavy rush in the Department and by reason of non-availability of the materials, the defects could not be cured within 328 days. This is not an acceptable explanation. The Limitation Act prescribed certain period of limitation and on the expiry of which the right of appeal stands extinguished and by reason wherefore, the other party stands vested with some right which cannot be lightly interfered with by the Law Court. The Court shall have to be cautious in its approach since the issue involves devastation of some rights conferred onto a party by the statute and unless there are cogent reasons therefore, question of consideration of delay does not and cannot arise. It is true that some leniency may be permitted in particular facts

and circumstances, but that, however, docs not and cannot mean and imply a casual approach in dealing with such a situation. There ought to exist some such plea so as to enable the Court to use its discretion in considering the delay. Unfortunately, there exists no reason whatsoever for such condonation.

2. In that view of the matter, this appeal cannot be entertained by reason of being barred by the laws of limitation. The appeal is, therefore dismissed. No order as to costs.