



Heard the Learned Counsel for the parties and perused the records.

**2.** I.A. No. 565 of 2024 is filed by the Appellants under Section 5 of Limitation Act, 1963 for condonation of delay of 910 days in preferring the Appeal against the order dated 8<sup>th</sup> October, 2021 passed by Learned DRT Visakhapatnam. Appeal was filed on 26.11.2024.

**3.** Learned Counsel for the Appellant would submit that there were sufficient cause for not filing the appeal within the stipulated period. It is submitted that the Appellants are protected till 1<sup>st</sup> June, 2022 under the orders of Hon'ble Supreme Court in ***Suo Motu Writ Petition (C) No 03 of 2020 (2021) 5 SCC 452 Cognizance for Extension of Limitation, In Re.*** Thereafter, concerned personnel left the organisation. Thereafter when new official came to know about the matter started taking steps from 3<sup>rd</sup> October, 2024. He contacted his Counsel and filed the Appeal.

**4.** Per contra, Learned Counsel for the Respondent would submit that the Appellants failed to show any sufficient cause for inordinate delay of 910 days. It is further submitted that delay has to be explained on day-to-day basis. Vague grounds have been taken by the Appellant.

**5.** As far as legal proposition regarding condonation of delay is concerned, the basic criteria is to see as to whether any sufficient cause has been shown by the Appellants for condonation of delay or not?

**6.** As far as condonation of delay in filing the appeal is concerned, it has been held by the Hon'ble Apex Court in a recent judgment ***Sheo Raj Singh (Deceased) through Legal Representatives & Others -vs- Union of India & Another [(2023) 10 SCC 531]*** has held in paragraphs 30 and 32 as under:

*"30. X x x 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."*

*"32. x x x 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."*

**7.** The Hon'ble Apex Court in ***State (NCT of Delhi) -vs- Ahmed Jaan [(2008) 14 SCC 582]***, held that proof of sufficient cause is a condition precedent. In para 10 it is held that

*"There is no general principle saving the party from all mistakes of its Counsel could be laid. The expression 'sufficient cause' must receive a liberal construction so as to advance substantial justice and generally delays in preferring the 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 delay."*

**8.** The Hon'ble Apex Court in ***S. Ganesharaju (Dead) through LRs -vs- Narasamma (Dead) through LRs [(2013) 11 SCC 341]*** in para 12 it was held that

*"Unless the Respondents are able to show mala fides in not approaching the Court within the period of limitation, generally as a normal rule, delay should be condoned. The trend of the Courts while dealing with the matter with regard to condonation of delay has tilted more towards condoning delay and directing the parties to contest the matter on merits, meaning thereby that such technicalities have been given a go-by."*

It was further held in para 14 that :

*"Since sufficient cause has not been defined, thus, the Courts are left to exercise a discretion to come to the conclusion whether*

*circumstances exist establishing sufficient cause. The only guiding principle to be seen is whether a party has acted with reasonable diligence and had not been negligent and callous in prosecution of the matter."*

**9.** It has been held by the Hon'ble Apex Court that in an application under Section 5 of the Limitation Act sufficient cause has to be shown for condonation of delay. There is difference between excuse and sufficient cause, as has been held by the Hon'ble Apex Court.

**10.** The Hon'ble Apex Court in ***Pathapati Subba Reddy (Died) -vs- The Special Deputy Collector (LA)[(2024)12 SCC 336]*** has referred to ***Collector, Land Acquisition, Anantnag and Others -vs- Katiji & Others [(1987) 2 SCC 107]*** wherein it was held that :

*"x x x ordinarily a litigant does not stand to benefit by lodging an appeal late; it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned. Notwithstanding the above, howsoever, liberal approach is adopted in condoning the delay, existence of 'sufficient cause' for not filing the appeal in time, is a condition precedent for exercising the discretionary power to condone the delay. The phrases liberal approach', justice-oriented approach' and cause for the advancement of 'substantial justice' cannot be employed to defeat the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act."*

**11.** It is further held that it must be borne in mind, while construing 'sufficient cause' in deciding application under Section 5 of the Limitation Act, that on the expiry of the period of limitation prescribed for filing an appeal, substantive right in favour of the decree-holder accrues and this right ought not to be lightly disturbed.

**12.** Hon'ble Apex Court has also referred to ***Basawaraj and Another -vs- Special Land Acquisition Officer (2013) 14 SCC 81*** wherein it was held in paragraph 23 that:

*"The discretion to condone the delay has to be exercised judiciously based upon the facts and circumstances of each case. The expression 'sufficient cause' as occurring in Section 5 of the Limitation Act cannot be liberally interpreted if negligence, inaction or lack of bona fide is writ large. It was also observed that even though limitation may harshly affect rights of the parties but it has to be applied with all its rigour as prescribed under the statute as the courts have no choice but to apply the law as it stands and they have no power to condone the delay on equitable grounds."*

**13.** Hon'ble Apex Court also placed reliance on paragraphs 12 and 15 of the ***Basawaraj*** (supra) which reads as under :

*"12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period per of limitation on equitable grounds. "A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute."*

*"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 bona fide 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)."*

**14.** In paragraph 26 of the ***Pathapati Subba Reddy*** (supra) Hon'ble Apex Court held that

*"26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:*

- (i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;*
- (ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*
- (iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*
- (iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;*
- (v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;*
- (vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;*
- (vii) Merits of the case are not required to be considered in condoning the delay; and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.*
- (viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."*

**15.** It was further held that if sufficient cause is not shown, delay cannot be condoned. Further condonation of delay merely for the reason that the claimants have been deprived of the interest for the delay while holding that they had made out a case for condoning the delay is not a correct approach.

**16. In *K.B. Lal (Krishna Bahadur Lal) -vs- Gyanendra Pratap & Others [2024 SCC OnLine Hon'ble Supreme Court 508]* Hon'ble Apex Court in judgment dated 8.4.2024 held that**

"10. There is no gain saying the fact that the discretionary power of a court to condone delay must be exercised judiciously and it is not to be exercised in cases where there is gross negligence and/or want of due diligence on part of the litigant (See *Majffi Sannomine @ Sanyasiree Reddy Sridevi & Ors. (2021) 18 SCC 384*). The discretion is also not supposed to be exercised in the absence of any reasonable, satisfactory or appropriate explanation for the delay (See *PK. Ramachandranu. State of Kerala and Anr., (1997) 7 SCC 556*). Thus, it is apparent that the words 'sufficient cause' in Section 5 of the Limitation Act can only be given a liberal construction, when no negligence, nor inaction, nor want of bona fide is imputable to the litigant (See ***Basawaraj and Another -vs- Special Land Acquisition Officer, (2013) 14 SCC 81***). The principles which are to be kept in mind for condonation of delay were succinctly summarised by this Court in ***Esha Bhattacharjee -vs- Managing Committee of Raghunathpur Nafar Academy & Others (2013) 12 SCC 649***, and are reproduced as under:

- "21.1. (i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.
- 21.2. (ii) The terms "sufficient cause" should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact-situation.
- 21.3. (iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.
- 21.4. (iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.
- 21.5. (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.
- 21.6. (vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.
- 21.7. (vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.

- 21.8. (viii) *There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.*
- 21.9. (ix) *The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.*
- 21.10. (x) *If the explanation offered is concocted, or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation."*

**17.** As far as issue of cause of sufficient cause is concerned, in the present case no sufficient cause could be shown by the Appellant. A vague ground is taken that the concerned personnel looking after the organization left the organization. Who was that personnel? when he left the organization? all these are not explained. Even if the Appellant can take the benefit of the orders passed by the Hon'ble Supreme Court in Suo Motu case (supra), then Appellant is required to explain the delay and make out the sufficient ground to show the sufficient cause for the delay after 01.06.2022. But Appellant failed to prove any ground which can be treated as sufficient cause. Rather, vague grounds are being taken for condonation of delay. Even after 01.06.2022 only one ground is there that the concerned official or personnel left the organization as has been recorded earlier. No details of such person are available. Further, when the new personnel came is also not

on record. Rather, how he came to know about the same is also not explained by the Appellants? Burden lies upon the Appellant to explain the day-to-day delay in preferring an appeal. But no such ground could be proved by the Appellant. Accordingly, we are of the considered view that Appellants not only failed to show any sufficient cause for condonation of delay. Accordingly, I.A. No. 565 of 2024 under Section 5 of Limitation Act lacks merit and is liable to be dismissed.

### ORDER

I.A. No. 565 of 2024 is dismissed. Consequently, Appeal Dy. No. 1022 of 2024 is also dismissed being barred by Limitation.

No Order as to costs.

File be consigned to Record Room.

Copy of the Judgment/ Final Order be uploaded in the Tribunal's Website.

Order signed and pronounced by me in the open Court on this the 4<sup>th</sup> day of February, 2026.

(Anil Kumar Srivastava,J)  
Chairperson