

Union of India and Others

Vs

Visveswaraya Iron & Steel Ltd

Special Leave Petition (Civil) No. 2448 of 1985

(CJI Bhagwati, Ranganath Misra JJ)

24.11.1986

ORDER

1. This special leave petition has been filed beyond the period prescribed by the Rules for filing a special leave petition. The petitioner has filed an application for condonation of delay in filing the special leave petition. There are no grounds made out in the application for condonation of delay and the only material set out in the application is the list of dates starting from the date of receipt of the certified copy of the judgment up to the date of filing of the special leave petition. It appears from the list of dates that the certified copy was received by the Collector of Central Excise on July 22, 1984 (wrongly mentioned as July 32, 1984) and it was after a period of two months, on September 29, 1984 that the certified copy was despatched by the Collector of Central Excise to the Ministry of Finance. The Ministry of Finance referred the case to the Central Agency Section on October 15, 1984. But the Central Agency Section sent back the case to the Ministry of Finance with the remark that the same should be sent to the Ministry of Law. This process of realisation that the case should have been referred to the Ministry of Law and not to the Ministry of Finance took about 24 days and thereafter, again, some time was taken up at the subsequent stages. The learned Additional Solicitor General gave his opinion on December 18, 1984 that the special leave petition should be filed. But even thereafter, there was a delay of more than a month and a half and on July 7, 1985, a special leave petition was filed without offering any explanation for this delay at three stages. The learned Additional Solicitor General requested us to give him an opportunity to file a supplemental affidavit explaining the delay at the three stages. But we do not see why any further time should be granted to the petitioners to file a supplemental affidavit. The application for condonation of delay was made on January 7, 1985 and we are now in November 1986 and the petitioners thus had a period of about one year and nine months to rectify the defect by filing a supplemental affidavit but the petitioners have failed to do so. We do not under the circumstances find any justification for condoning the delay and the application is therefore rejected and so is the special leave petition.

2. The order is reportable.

Court Master.

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