

Union of India

v.

Tata Yodogawa Limited

(Supreme Court Of India)

HON'BLE MR. JUSTICE SABYASACHI MUKHARJI HON'BLE MR.
JUSTICE M.H. KANIA HON'BLE MR. JUSTICE S. RANGANATHAN

Special Leave Petition (Civil) No. 3772-73 Of 1987 | 21-09-1988

1. These petitions for special leave to appeal are against the judgment and order dated 9th September, 1986 of the High Court of Patna, Ranchi Bench,

2. It appears according to the office report on Limitation that the special leave petition is delayed by 51 days. The application for condonation of delay was filed on behalf of the petitioners stating therein that due to "inter-departmental correspondence and processing of the matter to enable the department to file the instant petition".

3. List of dates in the application for condonation of delay gives interesting reading as follows:-

4. From 26-12-1986 to 10-2-1987 and from 6-3-1987 to 24--3-1987 there is no cogent and possible explanation. It may be mentioned that the special leave petition was actually filed on 23-3-1987. There is no whisper to explain what "legal problems in filing the special leave petition arose" it appears to us that no attempt has been made to explain this delay. In that view of the matter we gave further opportunity to the petitioners to file additional affidavit explaining the cause, if any, for this delay. It is further stated in the rejoinder affidavit to the counter affidavit on behalf of the Respondents that "such delay is always beyond the control of especially in Government matters as the file has to be routed through several Sections of the Department". We are aware of the fact that the Government being impersonal takes longer time than the private Bodies or the individuals. Even giving that latitude, there must be some way or attempt to explain the cause for such delay-As stated from the facts narrated

hereinbefore there is no sufficient cause to explain the delay. Hence, the application for condonation of delay is dismissed.

5. In any event, the Order passed under Section 11A of the Central Excises and Salt Act, 1944, was passed without any notice to the respondents as required therein, that was clearly bad and this point, in our opinion, cannot be re-agitated.

6. The conclusion arrived at by the High Court was right.

7. In that view of the matter these special leave petitions must fail and are, therefore, dismissed accordingly.