

IN THE COURT OF THE JUDICIAL MAGISTRATE (FIRST CLASS),
33RD COURT, BALLARD PIER AT MAZGAON, MUMBAI.

ORDER BELOW APPLICATION FOR
CONDONATION OF DELAY IN C.C.NO.351/MISC/2026

Read the application. Perused the record. Heard Ld. Advocate Smt. Anjana Mishra for applicant.

2. Applicant/Complainant has filed this application under Section 142 of N. I. Act for condonation of delay of **54** days in filing the complaint under section 25 of the Payment and Settlement Act. It is submitted that notice was delivered on 29.10.2025 and cause of action arose on 14.11.2025 and the limitation for filing the present complaint was till 13.12.2025. It is mentioned in this application that in order to take various approvals from the concerned departments of the complainant and for collecting the relevant documents from the earlier advocate, the considerable time of the complainant company was consumed, so the delay of **54** days was caused to the complainant company for filing this complaint. Application is also supported by affidavit.

3. Applicant has filed affidavit of service of notice to the non-applicant along-with track report. On perusal of affidavit and track report it appears that notice has been issued on the registered address of the non-applicant and it was came back with postal remark that 'Refused.' Such kind of service is accepted to be deemed service as per section 27 of General Clauses Act. However, non-applicant has failed to appear and file his say on this application. Hence, application is proceeded without say of non-applicant.

4. I have gone through the application and the documents filed on record.

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5. Record discloses that the applicant/complainant received the intimation of dishonour of ECS on 10.10.2025. Complainant issued demand notice on 20.10.2025, which was served upon accused on 29.10.2025. The complaint ought to have been filed on or before 13.12.2025. However, it was presented on 05.02.2026. This application is supported with affidavit. As non-applicant has not challenged the contents in this application, therefore on record there is no cogent reason to disbelieve the reasons mentioned in this application. Considering the reason mentioned in the application, it appears genuine. The applicant/complainant has given sufficient cause and explained the reason for delay in filing the complaint. Moreover, monitory interest of the applicant is involved in the matter. In order to resolve the dispute on merits, the delay is required to be condoned. For that reason, I deem it proper to allow this application. Hence the order :-

ORDER

- i) The application is allowed.
- ii) The delay of **54** days in filing of the complaint is hereby condoned.
- iii) The present Miscellaneous criminal application is disposed off accordingly and complaint be registered as summary case.

Date :- 13.08.2026

(K. K. Mane)
Judicial Magistrate First Class,
33rd Court, Ballard Pier at Mazgaon,
Mumbai.