

HIGH COURT OF ANDHRA PRADESH

CIVIL REVISION PETITION No.2652 of 2025

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
2.	04.05.2026	<u>RC, J</u> <u>I.A.No.1 of 2025</u> This application is filed to condone the delay of 138 days in preferring the CRP against the order and decree passed in FA.No.1 of 2022 on the file of IX Additional District and Sessions Judge at Chodavaram, dated 12.08.2024. Heard Sri Kata Sambasiva Rao, learned Government Pleader for Arbitration for the petitioners and Sri S.Mohana Rao, learned counsel for the respondent. Learned counsel for the petitioners submitted that as against the orders passed by the IX Additional District and Sessions Judge at Chodavarm in Forest Appeal No.1 of 2022, wherein the confiscation orders passed by the District Forest Officer/Authorized Officer in proceedings dated 25.03.2021 were reversed, assailing the same the present revision came to be filed with a delay of 138 days. The reason for the said delay is that they could not get opinion and administrative sanction from the concerned department and the same is neither wilful nor	

		wanton and accordingly prayed to condone the same. On the other hand, Sri S.Mohana Rao, learned counsel for the respondent submitted that the petitioners have calculated the delay as 138 days, whereas in fact the delay is 240 days and the same cannot be condoned since each day's delay is not explained and the reasons therein are not sufficient. In support of his contention, he relied on para-13 of the Judgment of the Hon'ble Apex Court in Office of the Chief Post Master General & Others Vs. Living Media India Ltd. & Anr.¹, which reads as follows: <i>“13) In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable decree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to</i>	
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¹ AIR 2012 SC 1506

		<i>give any acceptable and cogent reasons sufficient to condone such a huge delay.”</i> Learned counsel for the respondent also relied on para-8 of the Judgment of the High Court of Punjab and Haryana at Chandigarh in State of Punjab Vs. Baldev Singh in CRM-23522-2025 in/& CRA-AS-99-2025, which reads as follows:- <i>“8. A perusal of the above-said averments clearly shows that no reasonable or plausible explanation has been furnished by the applicant-State for condonation of the delay of 597 days in filing the accompanying appeal. The present application, apart from being bereft of specific details or particulars that may reflect bona fides on the part of the applicant-State in pursuing its case, rather indicates a deliberate attempt to unnecessarily entangle the respondents-accused in prolonged litigation. The applicant-State has failed to provide any concrete explanation or documentary proof to demonstrate its genuine efforts in pursuing the matter within the prescribed time limit. No cause, much less sufficient cause as required in law, has been shown to justify or condone such a significant delay. The delay is both inordinate and inexplicable. Merely attributing it to procedural or unforeseen circumstances, without supporting details or evidence, falls short of the legal threshold for condonation. The applicant-State has neither exhibited continuous diligence in the matter nor presented any exceptional or unavoidable circumstances that could reasonably explain such an extensive delay.”</i> Perused the record and considered the submissions.	
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		The proceedings have been initiated before the District Forest Officer, Visakhapatnam and thereby confiscation orders have been passed under the provisions of Forest Act, 1967. Assailing the same, the respondents preferred an appeal before the IX Additional District and Sessions Judge at Chodavarm vide Forest Appeal No.1 of 2022. The appellate Court allowed the same vide order dated 12.08.2024. Questioning the same, the present revision petition is filed with a delay of 138 days. The reason for delay is that the appellate authority passed orders on 12.08.2024 and copy application was filed on 20.08.2024 and the same was made ready on 30.08.2024 and later the said file was processed for getting opinion and for administrative sanction to file necessary judicial proceedings and in that regard delay occurred and accordingly prayed to condone the same. On the other hand, learned counsel for the respondent submitted that the petitioners have not properly shown the reasons while seeking condonation of delay. In support his contention, he relied on the Judgments referred supra. This Court has to look into the facts of each case independently and take the law on hand into consideration. The Hon'ble Supreme Court in <i>Mool</i>	
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		<i>Chandra Vs. Union of India & Another²</i>, has categorically held that it is not the length of delay that would be required to be considered while examining the plea for condonation of delay, it is the cause for delay which has been propounded will have to be examined. If the cause for delay would fall within the four corners of “sufficient cause”, irrespective of the length of delay same deserves to be condoned. However, if the cause shown is insufficient, irrespective of the period of delay, same would not be condoned. This Court satisfied with the ground raised by the petitioners, wherein matters related to Government would take sufficient time to get administrative sanction and complete other formalities. In the said circumstances, having regard to the Judgment of the Hon'ble Supreme Court referred supra, the judgments relied upon by the respondent cannot be applied to the facts on hand and this Court, being satisfied with the reasons assigned, the delay is condoned. The respondent is at liberty to question the maintainability of revision at the time of admission. Accordingly, this interlocutory application is allowed.	
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² (2025) 1 SCC 625

Post on 15.06.2026.

JLV

RAVI CHEEMALAPATI, J