



2026:CGHC:21776



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 645 of 2026

**1 - State Of Chhattisgarh Through- Police Station Balod, District- Balod
(C.G.).**

... Appellant(s)

versus

**1 - Guruvinder Singh Sandhu S/o Charanjeet Singh Sandhu Aged
About 42 Years R/o Village Pindori Niranjan, Police Station Adampur,
District- Jalandhar (Punjab). Presently Resident Of No. 24, Towar
Inclave Face- li, Badla Chowk, In Front Of Gurudwara, Police Station
Barko Capm, District- Jalandahr (Punjab)**

**2 - Vikash Bharti, S/o Kedarnath, Aged About 40 Years Caste Yadav
Resident Of Village Uparpur, Police Station And District- Baksar
(Bihar). Presently Resident Of H. No. 412, Mw Colony Industrial Area,
Face I, Chandigarh, Police Station Mw Face Chandigarh (Punjab).**

**3 - Vinay Kumar S/o Kedarnath, Aged About 35 Years R/o Of Village
Uparpur, Police Station And District- Baksar (Bihar) Presently Resident
Of H. No. 412, Mw Colony Industrial Area, Face I, Chandigarh, Police
Station Mw Face Chandigarh (Punjab).**

... Respondent(s)



For Appellant/State	:	Mr.Sumit Singh, Dy. Advocate General
For Respondent(s)	:	None present.

(Hon'ble Shri Justice Ravindra Kumar Agrawal)

Order on Board

08/05/2026

Heard on I.A. No. 01 of 2026, which is an application for condonation of delay of 339 days in preferring the instant appeal.

2. The appellant/State has admittedly approached this Court after an inordinate and unexplained delay of 339 days. The explanation furnished in the application for condonation of delay is wholly vague, mechanical and stereotyped in nature. Except making a general reference to administrative formalities, departmental procedures and movement of files, no specific or satisfactory explanation has been assigned accounting for the delay occasioned at each stage. The application is conspicuously silent regarding the exact chronology of events and does not disclose any bona fide circumstance which prevented the appellant/State from preferring the appeal within the prescribed period of limitation. Reliance has also been placed upon the judgment rendered by the Apex Court in ***State of Haryana Vs. Chandra Mani & Others, reported in (1996) 3 SCC 132***, to contend that a liberal approach ought to be adopted while considering the application for condonation of delay preferred by the State.

3. The question which, therefore, arises for consideration before this Court is whether the appellant/State has been able to demonstrate



“sufficient cause” so as to warrant condonation of the extraordinary delay of 339 days in filing the present Criminal Appeal.

4. The Apex Court in ***Postmaster General & Others Vs. Living Media India Limited & Another, reported in (2012) 3 SCC 563***, while dealing with the issue relating to condonation of delay on behalf of Government authorities, has categorically held as under:-

“27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern



technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. 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 bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree 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 the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.”

5. The Apex Court further observed that Government departments are under a special obligation to perform their duties with diligence and commitment and that condonation of delay cannot be claimed as an anticipated benefit merely because the applicant happens to be the State.

6. Recently the Apex Court in ***State of Madhya Pradesh Vs. Ramkumar Choudhary, reported in 2024 INSC 932***, reiterated that unless cogent, satisfactory and bona fide reasons are assigned explaining the delay at every stage, the same cannot be condoned in a



routine or mechanical manner merely because the State is the applicant. It has been held as under:

The legal position is that where a case has been presented in the Court beyond limitation, the petitioner 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 *Majji Sannemma v. Reddy Sridevi* 2021 SCC Online SC 1260, it was held by this Court that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision of this Court in *Ajay Dabra v. Pyare Ram* 2023 SCC Online SC 92 wherein, it was held as follows:

"13. This Court in the case of *Basawaraj v. Special Land Acquisition Officer* [(2013) 14 SCC 81] while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"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.

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present appellant."

Thus, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party.

5.1. In *Union of India v. Jahangir Byramji Jeejeebhoy (D)* through his legal heir 2024 INSC 262 : 2024 SCC OnLine SC 489, wherein, one of us (J.B.Pardiwala, J) was a member, after referring to various decisions on the issue, it was in unequivocal terms observed by this Court that justice is not to cause prejudice to the opposite party. The relevant passage of the same is profitably extracted below:

"24. In the aforesaid circumstances, we made it very clear that we are not going to look into the



merits of the matter as long as we are not convinced that sufficient cause has been made out for condonation of such a long and inordinate delay.

25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.

26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances



of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

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34. In view of the aforesaid, we have reached to the conclusion that the High Court committed no error much less any error of law in passing the impugned order. Even otherwise, the High Court was exercising its supervisory jurisdiction under Article 227 of the Constitution of India.

35. In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite



party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case.

36. For all the foregoing reasons, this appeal fails and is hereby dismissed. There shall be no order as to costs.”

Applying the above legal proposition to the facts of the present case, we are of the opinion that the High Court correctly refused to condone the delay and dismissed the appeal by observing that such inordinate delay was not explained satisfactorily, no sufficient cause was shown for the same, and no plausible reason was put forth by the State. Therefore, we are inclined to reject this petition at the threshold.

6. At the same time, we cannot simply brush aside the delay occurred in preferring the second appeal, due to callous and lackadaisical attitude on the part of the officials functioning in the State machinery. Though the Government adopts systematic approach in handling the legal issues and preferring the petitions/applications/appeals well within the time, due to the fault on the part of the officials in merely communicating the information on time, huge revenue loss will be caused to the Government exchequer. The present case is one such case, wherein, enormous delay of 1788 days occasioned in preferring the second appeal due to the lapses on the part of the officials functioning under the State, though



valuable Government lands were involved. Therefore, we direct the State to streamline the machinery touching the legal issues, offering legal opinion, filing of cases before the Tribunal / Courts, etc., fix the responsibility on the officer(s) concerned, and penalize the officer(s), who is/are responsible for delay, deviation, lapses, etc., if any, to the value of the loss caused to the Government. Such direction will have to be followed by all the States scrupulously.

7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or



circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See: *Ajit Singh Thakur Singh and Another v. State of Gujarat*, AIR 1981 SC 733).”

5. It is well settled that the law of limitation equally binds the State and private litigants alike, and the Government cannot claim a different yardstick merely on account of bureaucratic functioning or procedural red-tapism. Routine departmental delays cannot constitute “sufficient cause” for condonation of inordinate delay.

6. In this regard, reliance is respectfully placed upon the judgment of the Apex Court in ***Postmaster General & Ors. Vs. Living Media India Ltd. & Anr., reported in (2012) 3 SCC 563***, wherein it has been categorically held that the Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment, and that condonation of delay cannot be claimed as a matter of right merely because the applicant is the State. The Apex Court further observed that casual and inherited bureaucratic methodology cannot be accepted as a sufficient explanation for condoning inordinate delay.



7. Further reliance is placed upon ***Basawaraj & Anr. Vs. Special Land Acquisition Officer, reported in (2013) 14 SCC 81***, wherein the Apex Court held that the expression “sufficient cause” must receive a strict construction and that negligence, inaction or lack of bona fides cannot furnish a ground for condonation of delay. It was further held that where no sufficient cause is shown, the Court has no power to condone delay on equitable grounds.

8. It is further submitted that the appellant/State has failed to demonstrate any diligent or bona fide effort in prosecuting the matter within limitation. The delay being wholly unexplained, deliberate and attributable to sheer negligence and administrative lethargy, the same does not deserve indulgence under the discretionary jurisdiction of this Court.

9. In the light of the principles of law enunciated by the Apex Court in the aforesaid judgments (supra), and upon due consideration of the grounds urged in I.A. No. 1, this Court is of the considered opinion that the inordinate delay of 339 days in preferring the instant appeal has not been satisfactorily explained by the appellants by assigning any cogent, plausible or legally sustainable reason. The appellant/State has utterly failed to demonstrate the existence of any “sufficient cause” warranting condonation of such extraordinary delay. Consequently, no case is made out for exercise of the discretionary jurisdiction of this Court in favour of the appellants for condoning the delay.

10. Consequently, I.A. No. 2 preferred for condonation of delay



stands rejected. As an inevitable consequence thereof, the accompanying writ appeal also fails and is accordingly dismissed.

11. Accordingly, the application for condonation of delay stands rejected. Consequently, the accompanying Criminal Appeal also deserves to be dismissed on the ground of delay and laches alone.

Sd/-
(Ravindra Kumar Agrawal)
Judge