

GAHC010274082023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/3620/2023

NUMALIGARH REFINERY LTD. AND 2 ORS.
A PUBLIC SECTOR UNDERTAKING, REGISTERED UNDER SEC. 617 OF THE
COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE 122A, G.S. ROAD,
CHRISTIAN BASTI, GUWAHATI- 781005, REPRESENTED BY ITS MANAGING
DIRECTOR.

2: THE SR. MANAGER
MATERIALS
COMMERCIAL DEPARTMENT
NUMALIGARH REFINERY LIMITED
P.O. NUMALIGARH
DIST. GOLAGHAT (ASSAM).

3: THE MANAGER
MATERIALS
COMMERCIAL DEPARTMENT
NUMALIGARH REFINERY LIMITED
P.O.- NUMALIGARH
DIST. GOLAGHAT (ASSAM)

VERSUS

IQUBAL SINGH AND ANR.
SON OF LATE I. SINGH R/O JPR ROAD, (NEAR RICE MILL), JORHAT,
ASSAM.

2:THE PR. COMMISSIONER OF CGST AND CENTRAL EXCISE
GUWAHATI
GST BHAWAN
(5TH FLOOR)
KEDAR ROAD
MACHKHOWA
GUWAHATI
PIN- 781001 (ASSAM)

Advocate for the Petitioner : MR. D SAHU, MR. R S MISHRA

Advocate for the Respondent : SC, GST,

Linked Case :

NUMALIGARH REFINERY LTD. AND 2 ORS.

VERSUS

IQUBAL SINGH AND ANR. B

Advocate for : MR. D SAHU
Advocate for : appearing for IQUBAL SINGH AND ANR. B

Linked Case :

NUMALIGARH REFINERY LTD. AND 2 ORS.

VERSUS

IQUBAL SINGH AND ANR. B

Advocate for : MR. D SAHU
Advocate for : appearing for IQUBAL SINGH AND ANR. B

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

**Date : 09.09.2024
(Vijay Bishnoi, CJ)**

The matter comes upon for consideration of the I.A.(C)/3620/2023 with a prayer to condone the delay of 2300 days in filing the connected writ appeal.

The learned counsel for the applicants has submitted that the learned Single Judge has ruled against the applicants vide order dated 12.05.2015, passed in WP(C)/3165/2010 and being aggrieved with the same, the applicants had preferred a review petition on 28.06.2015, which came to be disposed of only on 20.06.2023 and thereafter, the applicants had preferred the connected writ appeal along with application for condonation of delay on 15.09.2023.

The learned counsel for the applicants has therefore, submitted that the delay in filing the connected writ appeal is bonafide, because, the review petition filed by them remained pending before the learned Single Judge for quite a long time. It is further contended that on merits also, the applicants have a good case based on strong grounds and therefore, the delay of 2300 days may kindly be condoned.

Notices have been served to all the non-applicants, however, no reply, opposing the application has been filed on behalf of the respondent no. 2, who is represented through counsel.

However, despite service of notice upon the respondent no. 1, none has appeared for the said respondent.

Taking into consideration the above facts and circumstances of the case, we

are of the view that the applicants have satisfactorily explained the delay of 2300 days in filing the connected writ appeal. Hence, the Interlocutory application is allowed and the delay of 2300 days in filing the connected writ appeal is condoned.

Registry to register the connected writ appeal and list the same before this Court after 3(three) weeks, for admission.

JUDGE

CHIEF JUSTICE

Comparing Assistant