

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION (FOR RESTORATION) NO. 596 of 2026
In
R/SPECIAL CIVIL APPLICATION/13319/2023

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M/S. I.P.IMPEX
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR PAESH DAVE FOR MR RUCHIT J VYAS(10687) for the Applicant No. 1
MS SHRUNJAL SHAH, AGP for the Opponent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE BHARGAV D. KARIA
and
HONOURABLE MR.JUSTICE D.N.RAY

Date : 24/04/2026
ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

1. Heard learned advocate Mr. Paresh Dave for learned advocate Ruchit Vyas for the applicant and learned Assistant Government Pleader Ms. Shrunjal Shah for the respondent Nos. 1 to 3.
2. Rule returnable forthwith. Learned AGP waives service of notice of rule on behalf of the respondents.

3. This application is filed for restoration of Special Civil Application No. 13319 of 2023 with following prayers:

"(A) That your Lordships may be pleased to recall order dated 17.04.2025 (Annexure I) and be further pleased to restore Special Civil Application No. 13319 of 2023 to its original number:

(B) That your Lordships may be pleased to condone 270 days delay in filing the present application for revival/restoration of Special Civil Application No. 13319/2023;

(C) Any other further relief as may be deemed fit in the facts and circumstances of the case may also pleased be granted;

(D) That your Lordships may dispense with the affidavit of the petitioner for this Application;"

4. Learned advocate Mr. Paresh Dave referred to and relied upon the following averments made in the application:

"1. The applicant-petitioner has filed the captioned writ petition before this Hon'ble Court for seeking a Writ of Mandamus or any other appropriate writ, direction or order, thereby quashing and setting aside the order dated 31.03.2023 passed by Respondent No.2, and seeking a Writ of Mandamus or any other appropriate writ, direction or order, thereby quashing and setting aside the order dated 28.01.2022.

This petition has been dismissed for non-prosecution by this Hon'ble Court on 17.04.2025. A copy of Order dated 17.04.2025 passed by this Hon'ble Court (Coram: Hon'ble Mr. Justice

Bhargav D. Karia & Hon'ble Mr. Justice D.N. Ray) is enclosed and marked as Annexure - I to this application.

The petitioner tenders unconditional apology to the Hon'ble Court for causing inconvenience to the Hon'ble Court, and also for not arguing the matter due to absence of the Advocate appearing on behalf of the petitioner on 17.04.2025. The petitioner most respectfully prays that a lenient view may be taken and the petition may be revived/restored to its original number for decision on merits and the petitioner may be obliged thereby.

2. The petitioner may bring to the kind notice of this Hon'ble Court that on 17.04.2025, the petitioner's Advocate was on his legs before the Court of Hon'ble Mr. Justice Divyesh A. Joshi in R/SCR.A/16787/2024. Thus, when the present matter was called, the petitioner's Advocate was before another Hon'ble Court for R/SCR.A/16787/2024 which was listed at Sr. 31 on 17.04.2025. Because the advocate was before

another Hon'ble Court, the present petition could not be attended by him; for which sincere apology is hereby tendered before this Hon'ble Court.

However, the petitioner once again tenders his unconditional apology to this Hon'ble Court and assures that default in appearance would not take place in future. The petitioner also prays for revival/restoration of the petition thereby recalling Order dated 17.04.2025, and oblige.

The petitioner submits that if the petition is restored then no serious prejudice would be caused to the opponents herein but grave and serious prejudice would be caused to the petitioner if the petition is not restored, and thus. balance of convenience is also in the petitioner favour in this case.

3. The Petitioner also prays before this Hon'ble Court for condoning delay in filing the present application for restoration of the writ petition. This Hon'ble Court has dismissed

the petition on 17.4.2025 for non-prosecution with a liberty to revive in case of difficulty, and since the present application for restoration and revival of the petition is being filed now, there is a delay in praying for revival of the case.

The Petitioner was initially not aware about dismissal of his petition for non-prosecution. The Petitioner came to know about the order made by the Hon'ble Court on 17.4.2025 after summer vacation. After the Petitioner learnt about dismissal of the petition by the end of June, 2025, request was made by him to the clerk of his Advocate for revival of the petition. It appears that there was some communication gap in the Advocate's office because the request made to the Advocate's clerk at that time, and also requests made subsequently for follow up, were not conveyed to the Advocate by the clerk, and therefore timely action was not taken for revival of the petition. Because of communication gap in the Advocate's office. the delay in filing the present application has occurred, for which the Petitioner tenders unconditional apology before this Hon'ble Court.

Such communication gap in the Advocate's office about the requests of the Petitioner made to his clerk took place and thereafter, the Petitioner discussed the matter with the Advocate in January, 2026 and thereupon the present application has been prepared for being filed before this Hon'ble Court. The Petitioner regrets the delay in filing the application for revival/restoration of the petition, and tenders apology for this delay also. The Petitioner also prays for condonation of delay in filing the present application before this Hon'ble Court."

4.1 Referring to the above averments, it was submitted by learned advocate Mr. Dave that he could not remain present before this Court in view of the explanation tendered in the aforesaid averments.

5. Considering the above submissions and the averments made in the application, the application is allowed, as prayed for. Order dated 17.04.2025 is recalled. Special Civil Application No. 13319 of 2023 along with Civil Application (For Amendment) No. 1/2024 is ordered to be restored to file.

Misc. Civil Application is accordingly disposed of. Rule is made absolute.

(BHARGAV D. KARIA, J)

(D.N.RAY,J)

JYOTI V. JANI