

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY)****NO. 2050 of 2026****In F/FIRST APPEAL/9941/2026****With****R/CIVIL APPLICATION NO. 2058 of 2026****In****F/FIRST APPEAL NO. 9929 of 2026****With****R/CIVIL APPLICATION NO. 2061 of 2026****In****F/FIRST APPEAL NO. 9930 of 2026****With****R/CIVIL APPLICATION NO. 2062 of 2026****In****F/FIRST APPEAL NO. 9940 of 2026****With****R/CIVIL APPLICATION NO. 2063 of 2026****In****F/FIRST APPEAL NO. 9928 of 2026****With****R/CIVIL APPLICATION NO. 2079 of 2026****In****F/FIRST APPEAL NO. 9931 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE J. C. DOSHI****Sd/-**

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Approved for Reporting	Yes	No
		No

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THE SPECIAL LAND ACQUISITION OFFICER**Versus****NANUBHAI VISABHAI & ANR.**

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Appearance:**MS. DIXA PANDYA, AGP for Applicant(s) No. 1 in CA Nos.2050,**

2058, 2063 & 2079/2026

MS. KINJAL VYAS, AGP for Applicant(s) No. 1 in CA Nos.2061 & 2062/2026

RULE SERVED for the Respondent(s) No. 2

SHAILESH R THAKORE(9310) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 21/08/2026

JUDGMENT

1. Heard learned AGPs for the applicants in the batch of applications arising out of the appeals against the common judgment and award.

2. By way of these civil applications under Section 5 of the Limitation Act, 1963 (hereinafter referred to as “the Act”), the Special Land Acquisition Officer seeks the following relief, which is common in all the applications:-

“(A) The Hon’ble Court be pleased to admit and allow the present Civil Application;

*(B) The Hon’ble Court be pleased to condone the delay of **975** days that has occurred in preferring the accompanying First Appeal against the judgment and award dated 10.03.2023 passed by the Ld. Special Judge (L.A.Q.), Narmada Yojana & Principal Senior Civil Judge, Ahmedabad (Rural), Mirzapur, Ahmedabad in L.A.R. No.173 of 2012 (Main), 168 of 2012 to 172 of 2012 & 174 of 2012 to 177 of 2012;*

(C) The Hon’ble Court be pleased to grant such other and further reliefs as may be deemed just and proper in the interest of justice and fitness of things.”

3. Learned AGPs appearing for the applicants in order to explain the delay, would mainly argue that the delay is neither deliberate nor intentional, but has occurred solely due to the procedural implications and there is no culpable negligence or in-action on the part of the applicant and once the entire set of details were received from the Legal Department, prompt decision was undertaken to file the appeals.

3.1 They further submitted that the delay caused is purely procedural and attributable to interdepartmental correspondence, administrative approvals, and cautious approach to ensure the accurate filing. The same is *bona fide* and without negligence and there is no inaction on the part of the applicant.

3.2 Mainly upon above submission, learned AGPs for the applicants pray to allow these applications by condoning the delay and to register the First Appeals.

4. Heard learned advocate Mr. Shailesh R. Thakore appearing for the respondent No.1 in some of the matters. As per the remarks in the cause-list, the respondent No.1 is unserved expired in CA Nos. 2061 & 2062/2026 and rule/notice is served upon respondent No.2 in all the matters; however, they have chosen not to appear.

4.1 Learned advocate Mr. Shailesh R. Thakore would object to condoning the delay and submitted that the substantial law of Limitation cannot be thrown out or jettisoned, on the

ground of taking liberal approach, etc. and that justice-oriented and liberal approach can be taken, provided that the sufficient reasons are provided and established by the applicant in the application for condonation of delay.

4.2 After arguing the aforesaid, learned advocate appearing for the respondent took this Court to the pleading made by the applicant in the delay condonation application and submitted that the entire vague and evasive, but spacious grounds are raised by the applicant in the name of procedural delay, without making a specific convincing reason to condone the delay. Thus, they submit that the delay may not be condoned.

4.3 Upon above submission, he submitted that the delay of **975** days should not be condoned and submitted to dispose these applications and consequently, the first appeals.

5. Having heard learned advocates appearing for the respective parties and applying thoughtful consideration to the present applications, let me notice the reasons stated by the applicant claiming it to be sufficient cause for the relief of condonation of delay, which is common in all the applications in para 2 to 12, which reads as under:-

“2. It is submitted that the Ld. Special Judge (L.A.Q.), Narmada Yojana & Principal Senior Civil Judge, Ahmedabad (Rural), Mirzapur has pronounced the Judgment and Award on 10.03.2023.

3. It is submitted that the application was made by the office of Special Land Acquisition officer (Narmada),

Ahmedabad, to the District Government Pleader to provide certified copy of the order dated 10.03.2023 and the certified copy was received on 05.05.2023 and the opinion was received on 03.06.2023 from the Ld. Assistant Government Pleader (Rural).

4. It is submitted that on 05.08.2023 the Special Land Acquisition Officer (Narmada), Ahmedabad sent a proposal of L.O.R. to the Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar.

5. It is submitted that the Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar vide letter dated 10.08.2023 informed the office of General Manager (Land), Sardar Sarovar Narmada Nigam Limited to provide the Law Officer Rules and the said office on 05.09.2023 sent the Law Officer Rules to the Secretary Office, Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar.

6. It is submitted that on 08.09.2023, the Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar informed to the office of Special Land Acquisition Officer (Narmada), Ahmedabad to clear the query.

7. It is submitted that vide letter dated 21.09.2023, the Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar informed to the office of the Additional Collectorate, Ahmedabad to provide the Law Officer Rules along with self-explanatory reasons and to be submitted then.

8. It is submitted that in reference to the letter dated 21.09.2023, the Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar vide letter dated 17.02.2024 and 14.05.2024 sent a reminder letter to the office of the Additional Collectorate, Ahmedabad.

9. It is submitted that the committee was constituted according to the resolution dated 05.03.2024 of the Narmada, Water Resource, Water Supply and Kalpsar

Department, Gandhinagar. The meeting was scheduled to be held on 26.07.2024 in order to discuss whether to go for appeal against the order dated 10.03.2023. It is submitted that the Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar vide letter dated 30.07.2024 made representation to the Additional Collectorate, Ahmedabad to place the said case before the committee and the case was placed on the day i.e. 09.01.2025 when the meeting was scheduled.

10. It is submitted that on 19.02.2025 the Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar wrote communication to office of Special Land Acquisition officer (Narmada), Ahmedabad & General Manager (Land), Sardar Sarovar Narmada Nigam Limited to give revised opinion to file an Appeal and on 24.03.2025, the revised opinion was received.

11. It is submitted that vide letter dated 01.04.2025 the office of Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar sent a proposal seeking permission to file an appeal to the Legal Department.

12. It is submitted that the Legal Department vide letter dated 08.04.2025 granted permission and the letter to file appeal was sent to the office of Government Pleader and also to Narmada, Water Resource, Water Supply and Kalpsar Department, Gandhinagar and the application was made by the office of Special Land Acquisition officer (Narmada), Ahmedabad to the office of Government Pleader to file First Appeal against order dated 10.03.2023 passed in L.A.R. No. 173 of 2012 (Main), 168 of 2012 to 172 of 2012 & 174 of 2012 to 177 of 2012.”

6. As far as delay has been sought to be condoned under Section 5 of “the Act”, let refer Section 5 as under:-

“5. Extension of prescribed period in certain cases.—

Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.”

7. The applicant was obliged to satisfactorily demonstrate and explicate the huge delay and to convince the Court that sufficient cause existed for not preferring the appeal / application or moving the requisite application within the statutorily prescribed period. Ordinarily, the Courts adopt a liberal approach while considering applications for condonation of delay under Section 5 of “the Act”, provided that the delay is duly attributable to sufficient cause. Delay cannot be condoned by a mere invocation of “liberal approach,” “justice-oriented approach,” or “substantial justice.” These oft-quoted expressions cannot be deployed to jettison or emasculate the substantive law of limitation.

8. Rule of limitation is based upon principles of sound public policy and principles of equity. Indeed expression 'sufficient cause' should receive liberal construction so as to advance substantial justice. This proposition comes into picture when no negligence or inaction or want of *bona fide* is imputable

to party seeking condonation of delay. Whether explanation furnished would constitute 'sufficient cause' or not will depend on facts of each case and there cannot be straitjacket formula for accepting or rejecting explanation furnished for delay caused in taking steps. While considering the matter, the Court is also required to consider all the fact that why party has not taken steps within time prescribed. The Court should not lose sight of the fact that by not taking steps within the time prescribed time, valuable right has accrued to other party which should not lightly be defeated by condoning delay in routine like manner.

9. Theory of liberal approach should be adjudicated on theory of due diligence. In the present case, length of delay is of **975** days. It is quite a long delay and on going through applications as well as arguments, it remains unexplained. They are propelled by the applicant, it does not seem to be germane one and none of the reasons prevented the applicant from filing the FA within time period. It is to be remembered that pleadings and reasons are not backed out by any documentary evidence.

10. According to this Court, the applicant has failed to establish any sufficient reasons which has prevented them to file the FA within stipulated time period.

11. The Hon'ble Supreme Court in the case of ***Pathapati Subba Reddy (Died) by Legal Representatives and Others v. Special Deputy Collector (LA)***, reported in ***(2024) 12 SCC 336***, explained the ambient scope of Section 5 of the Act. The relevant observations in para 28, 32 and 34 reads as under:-

“28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

28.1. Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

28.2. A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

28.3. The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

28.4. In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

28.5. Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

28.6. Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7. Merits of the case are not required to be considered in condoning the delay; and

28.8. Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to

disregarding the statutory provision.

32. The aforesaid decisions would not cut any ice as imposition of conditions are not warranted when sufficient cause has not been shown for condoning the delay. Secondly, delay is not liable to be condoned merely because some persons have been granted relief on the facts of their own case. Condonation of delay in such circumstances is in violation of the legislative intent or the express provision of the statute. Condoning of the delay merely for the reason that the claimants have been deprived of the interest for the delay without holding that they had made out a case for condoning the delay is not a correct approach, particularly when both the above decisions have been rendered in ignorance of the earlier pronouncement in Basawaraj.

34. Moreover, the High Court, in the facts of this case, has not found it fit to exercise its discretionary jurisdiction of condoning the delay. There is no occasion for us to interfere with the discretion so exercised by the High Court for the reasons recorded. First, the claimants were negligent in pursuing the reference and then in filing the proposed appeal. Secondly, most of the claimants have accepted the decision of the Reference Court. Thirdly, in the event the petitioners have not been substituted and made party to the reference before its decision, they could have applied for procedural review which they never did. Thus, there is apparently no due diligence on their part in pursuing the matter. Accordingly, in our opinion, the High Court is justified in refusing to condone the delay in filing the appeal.”

12. Recently, in the case of **State of Odisha & Ors. v. Managing Committee of Namatara Girls High Schools**, reported in **2026 INSC 148**, the Hon’ble Supreme Court, after referring to various authorities on the subject matter in paras 17 to 21 are held as under :-

“17. Indeed, one of us [Dipankar Datta] in Sheo Raj Singh v. Union of India 14 authoring the judgment for a coordinate Bench adopted the view taken in Katiji (supra), Ramegowda (supra) and a host of other decisions following the same while not interfering with an order of condonation of delay passed by the relevant high court. However, it was observed that a distinction ought to be drawn between an 'explanation' and an 'excuse' that is proffered as cause for condonation of delay. It was also emphasized that a different approach has to be adopted while this Court is considering an application for condonation of delay in presentation of an appeal/application and when it sits in appeal over a discretionary order of the high court granting the prayer for condonation of delay. In the case of the former, whether to condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation has to be examined.

18. However, what perhaps remained unnoticed in any of the decisions post Katiji (supra) and Ramegowda (supra) adopting a liberal approach is the exasperation and consequent lament expressed by none other than Hon'ble M.N. Venkatachaliah, CJI. in course of authoring a brief order in Commissioner of Wealth Tax, Bombay v. Amateur Riders Club, Bombays and admonishing officers of the "revenue" in not acting with promptitude. This order was made within six years of the decision in Ramegowda (supra). We can do no better than quoting the same in its entirety hereunder:

1. We have heard Shri S.C. Manchanda, learned senior counsel for the Revenue.

2. This special leave petition filed on November 16, 1993 is delayed by 264 days. For quite some time in the past, this Court has been making observations as to the grave prejudice caused to public interest by appeals brought on behalf of the Government being lost on the point of limitation,

Such observations have been made for over a few years in the past. But there seems to be no conspicuous improvement as is apparerit in the present petition which is flied in November 1993. The explanation for the delay, had better be set out In petitioner's own words:

"(g) The Advocate-on-Record got the special leave petition drafted from the drafting Advocate and sent the same for approval to the Board on June 24, 1993 along with the case file.

(h) The Board returned the case file to the Advocate-on-Record on July 9, 1993 who re-sent the same to the Board on September 20, 1993 requesting that draft SLP was not approved. by the Board. The Board after approving the draft SLP sent this file to CAS on October 1, 1993."

3. This explanation is incapable of furnishing a judicially acceptable ground for condonation of delay. After the earlier observations of this Court made in several cases in the past, we hoped that the matters might Improve. There seems to be no visible support for this optimism, There is a point beyond which even the courts cannot help a litigant even if the litigant is Government which is itself under the shackles of bureaucratic indifference. Having regard to the law of limitation which binds everybody, we cannot find any way of granting relief. It is true that Government should not be treated as any other private litigant as, indeed, in the case of the former the decisions to

19. Reading Ramegowda (supra) and Amateur Riders (supra), one after the other, leaves none in doubt that it did not take much time for this Court to lose hope. It is absolutely clear that the law was laid down in Ramegowda (supra), following Katiji (supra), with much optimism that matters would improve. Their Lordships, however, found no visible support for such optimism and the Court's patience having been tested to the extreme limit, held that there is a point beyond

which even the courts cannot help a litigant even if the litigant labouring under the shackles of bureaucratic indifference is the Government.

20. We have found the State of Odisha to be utterly lethargic, tardy and indolent not only before the High Court but also before the post masteris Court. Notwithstanding that its appeal was dismissed as time-barred by the High Court, this Court has been approached by the State of Odisha four months after expiry of the period of limitation.

21. Condonation of delay cannot be claimed as a matter of right. It is entirely the discretion of the Court whether or not to condone delay. Despite all the latitude that is shown to a "State", we are of the clear opinion that the cause sought to be shown here by the State of Odisha is not an explanation but a lame excuse. No case for exercise of discretion has been set up."

13. A worthy reference of the judgment in the case of ***Union Of India & Anr. v. Jahangir Byramji Jeejeebhoy (D) Through His Lr.***, reported in **2024 INSC 262** is required to be taken. The Supreme Court, in this judgment, in para 24 held that the Supreme Court was not going to look into the merits of the matter as long as the Supreme Court is not convinced that sufficient cause has been made out for condonation of such a long and inordinate delay. The relevant observation in para 25, 26 & 27 reads as under:-

"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."

14. Before parting with the judgment, at this stage, it would be apposite to refer to the well-settled judgment of the Supreme Court in **Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr.**, reported in **(2012) 3 SCC 563**, wherein the Hon'ble Supreme Court held that the law of limitation binds everyone equally, including the Government, and the plea of impersonal machinery and inherited bureaucratic methodology cannot be accepted in the era of modern technology. Paragraphs 28 to 30 of the said judgment read as under:-

“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 bonafide, 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 bonafide 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 government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

30. 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 give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

15. In view of the aforesaid discussion, and upon a meticulous application of the *ratio decidendi* adverted to hereinabove, this Court finds that, in absence whereof, the very foundation of the allegations crumbles, there is no cogent or credible explanation forthcoming for the inordinate and huge delay of **975** days. The applications, *sans* merits, inexorably merits dismissal.

16. For the foregoing reasons, the applications stand ***dismissed***.

17. Consequently, the registration of the First Appeal is hereby refused.

18. CA/s, if any, does not survive and stands disposed of accordingly.

19. Copy of the judgment be kept in each matter.

Sd/-
(J.C. DOSHI, J.)

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