

ITEM NO.12

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2010
CC 9630/2010

(From the judgement and order dated 30/01/2008 in
of The HIGH COURT OF BOMBAY)

WP No. 2303/2007

MUN.CORP.OF GR.MUMBAI & ANR

Petitioner(s)

VERSUS

PRABHAT (STOVE&LAMP)PROD.CO.P.LD.& ORS

Respondent(s)

IA 1 (C/delay in filing SLP and office report)

Date: 12/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Atul Y. Chitale, Sr. Adv.
 Mrs. Suchitra Atul Chitale, Adv.
 Ms. Sunaina Dutta, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against order dated 30.1.2008 passed by the Division Bench of Bombay High Court disposing of the writ petition filed by the respondents in terms of the judgment of this Court in Girnar Traders v. State of Maharashtra and others (2007) 7 SCC 555. The petitioner has also filed an application for condonation of 743 days delay in filing this special leave petition.

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We have heard learned counsel for the petitioners and carefully perused the record including the application for condonation of delay and are convinced that the explanation given by the petitioner for not filing the special leave petition within the prescribed period of limitation is not at all satisfactory. The averments contained in paragraphs 3 and 4 of the application for condonation of delay unmistakably show that the reasons incorporated therein have been innovated by the petitioners on the basis of legal advise received by them. In our view, such averments cannot be made basis for condoning the delay of more than two years.

With the above observation, the petitioners' prayer for condonation of delay is rejected and the special leave petition is dismissed as barred by time.

However, it is made clear that this order shall not, in any manner, affect disposal of SLP No.13280 of 2009 titled State of Maharashtra and others

v. Prabhat Products Company Private Limited.
petitioner is a party in that special leave petition,
then it shall be free to urge all legally permissible
grounds in support of its cause.

If the

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master