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SLP(C)No. 18627 OF 2000  
ITEM No.28

Court No. 8

SECTION IVA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.18627/2000

(From the judgement and order dated 19/07/2000 in WA 2659/2000  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

M/S. DANDELI STEEL & FERRO ALLOYS LTD.

Petitioner (s)

VERSUS

STATE OF KARNATAKA

Respondent (s)

( With prayer for interim relief and Office Report )

Date : 17/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr.PR Ramasesh,Adv.

For Respondent (s) Mr.N.Ganpathy,Adv.

UPON hearing counsel the Court made the following  
O R D E R

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Leave is granted.

The order under challenge is set aside, delay in  
filing the Writ Appeal is condoned, but having regard  
to the inconvenience suffered by the respondent, on  
payment of costs of Rs.5,000/- to the counsel for the  
respondent within two weeks from today. The Writ  
Appeal is restored to the file of the High Court to be  
disposed of on merits in accordance with law.

The appeal is allowed in terms of the signed  
order.

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[Naresh Kumar]  
Court Master

[Kanwal Singh]  
Court Master

[Signed order is placed on the file.]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

M/s Dandeli Steel & Ferro Alloys Ltd. ...Appellants

Vs.

State of Karnataka ...Respondent

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Heard the learned counsel for the parties.  
Leave is granted.

This appeal is directed against the order of the High Court of Karnataka at Banglore in Writ Appeal No.2659/2000 dated July 19, 2000. By the impugned order the High Court declined to condone the delay of 109 days in filing the Writ Appeal against the order of the learned Single Judge in W.P.No.38431/1992 made on September 16, 1999.

A perusal of the affidavit filed before the High Court in support of the petition to condone the delay shows that the delay has occurred due to inaction of the advocate in forwarding the copy of the order of the learned Single Judge to the appellant-Company immediately after receipt of the same. It was only when the liaison officer contacted, that copy of the order was handed over to him.

The High Court relied on judgment of this Court in P.K. Ramachandran vs. State of Kerala & Anr. [AIR 1998@@ CCCCCCCCCCCCCCCCCC CCCCCCCCCCCCCCCCCC SC 2276]. In our view that case is clearly distinguishable on facts.

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The principle in regard to the condonation of delay laid down by this Court in N. Balakrishnan vs.@@ CCCCCCCCCCCCCCCCCC

M.Krishnamurthy [1998 (7) SCC 123] ought to have been kept@@ CCCCCCCCCCCCCCCCCC in mind while dealing with the cases of condonation of delay.

On the facts of the case we are satisfied that the delay has been properly explained. In the circumstances of the case we set aside the order under challenge, condone the delay in filing the Writ Appeal, but having regard to the inconvenience suffered by the respondent, on payment of costs of Rs.5,000/- to the counsel for the respondent within two weeks from today. The Writ Appeal is restored to the file of the High Court to be disposed of on merits in accordance with law.

The appeal is allowed accordingly.

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.....J.  
[ SYED SHAH MOHAMMED QUADRI ]

New Delhi,  
September 17, 2001.@@  
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.....J.  
[ S.N. PHUKAN ]