

Petition(s) for Special Leave to Appeal (C) No(s).8944/2012

[Arising out of impugned final judgment and order dated 16-11-2005 in WP No.752/2005 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

STATE OF UTTAR PRADESH AND ORS.

Petitioner(s)

VERSUS

QUICK DESIGNERS AND BUILDERS PRIVATE LTD. AND ANR.

Respondent(s)

IA No. 1/2011 - CONDONATION OF DELAY IN FILING

IA No. 2/2011 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 84449/2024 - EXEMPTION FROM FILING O.T.

IA No. 35817/2024 - EXEMPTION FROM FILING O.T.

IA No. 188179/2019 - EXEMPTION FROM FILING O.T.

IA No. 4/2011 - EXEMPTION FROM FILING O.T.

IA No. 35815/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 05-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.
Mr. Udit Bhardwaj, Adv.

For Respondent(s) : Mr. V Giri, Sr. Adv.
Ms. Anita Shenoy, Sr. Adv.
Mr. Abhinav Jain, Adv.
Ms. Reema Jain, Adv.
Mr. Naman Kamboj, Adv.
Mr. Rahul Narang, Adv.
Dr. Prasangi Jannu, Adv.
Mr. Devender Kumar Saini, Adv.
Ms. Abha R. Sharma, AOR

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

1. We have heard learned counsel for the petitioner - State of Uttar Pradesh and Mr. V. Giri alongwith Ms. Anita Shenoy, learned Senior Counsel for the respondent.

2. The Special Leave Petition has been preferred against the judgment and order dated 16.11.2005 passed by the High Court of Judicature at Allahabad, Lucknow Bench (High Court) allowing Writ Petition No.752(Cons.)/2005 (Quick Designers and Builders Private Ltd. Vs. Consolidation Commissioner, U.P. & Ors.).

3. As per the office report, there is delay of 1967 days in filing the Special Leave Petition.

4. On 02.03.2012, this Court had issued notice on the application seeking condonation of delay as also on the petition for special leave. In the hearing today, we have been taken to the application filed by the petitioner for condonation of delay. Relevant portion of the application reads as under:

"3. That it is respectfully submitted that an application for certified copy of the impugned order dated 16.11.2005 was moved on 22.11.2005. The certified copy was prepared on 06.11.2005 and delivered on 07.12.2005. The copy of the impugned order dated 16.11.2005 was received by the office of District Magistrate, Rampur on 11.07.2008. Thereafter the record of the case was forwarded to Home Department, Govt. of U.P. The Special Secretary Law and Additional Legal Remembrancer govt. accorded govt's sanction, vide its noting dated 28.07.2009 to file Special Leave Petition against the impugned order dated 16.11.2005, which was received in the office of District Magistrate, Rampur. Thereafter the relevant papers and record of the case was forwarded to the office of Advocate on Record for the State of U.P. on first week of September, 2009. Thereafter, certain other relevant documents were sought by the office of Advocate on Record for preparation of the Special Leave Petition. The aforesaid documents were supplied to the office of Advocate on Record in the second week of July, 2010. Thereafter, special leave petition. Thereafter, the aforesaid documents being in Hindi were sent for translation. On receipt of the documents the Special Leave Petition was got prepared. And thereafter special leave petition was being sent to the department for vetting and after vetting it has been sent to the office of Advocate on Record in the month of May, 2011. Thereafter, special leave petition was finalized and now is being filed."

5. We find that delay of more than two and a half years from the date of delivery of the certified copy to receipt of the same by the office of the District Magistrate, Rampur has not been explained at all. Even thereafter, it took more than one year for the Special Secretary Law and Additional Legal Remembrancer to accord Government approval for filing Special Leave Petition. After approval was accorded on 28.07.2009, the papers were furnished to the office of the Advocate-on-Record in the second week of July, 2010 which is again a period of more than one year without any explanation. There also more than a year was taken before filing the Special Leave Petition in the month of May, 2011. On such bald pleading, we are afraid, we cannot condone the inordinate delay of 1967 days.

6. At this stage, learned counsel for the petitioner - State submits that he may be given an opportunity to file a better affidavit.

7. This Special Leave Petition is pending before this Court for more than fourteen years now. Notice on the application for condonation of delay was issued on 02.03.2012, i.e., more than fourteen years ago. At this distant point of time, we are not inclined to grant any further time to the petitioner to improve its case. We see no good ground to condone the huge delay of 1967 days. Accordingly, the application for condonation of delay is dismissed. Consequently, the related Special Leave petition also stands dismissed.

8. Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)