

# The State Of Gujarat vs Tushar Jagdish Chandra Vyas on 13 January, 2021

**Author: Sanjay Kishan Kaul**

**Bench: Sanjay Kishan Kaul**

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ITEM NO.6

Court 9 (Video Conferencing)

SECTION II

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

RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 17559/2020

(Arising out of impugned final judgment and order dated 18-  
in LPA No. 691/2019 in Special Civil Application No.8  
passed by the High Court Of Gujarat At Ahmedabad)

THE STATE OF GUJARAT

Petitioner(

VERSUS

TUSHAR JAGDISH CHANDRA VYAS & ANR.

Respondent(

(FOR ADMISSION and I.R. and IA No.88377/2020-CONDONATION OF DELAY  
IN FILING and IA No.88378/2020-EXEMPTION FROM FILING O.T. )

Date : 13-01-2021 This petition was called on for hearing today.

CORAM :

Signature Not Verified

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

Digitally signed by

ASHA SUNDRIYAL

Date: 2021.01.13

18:49:05 IST

Reason:

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE HRISHIKESH ROY

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For Petitioner(s) Mr. Aniruddha P. Mayee, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

#### O R D E R

The Special Leave Petition has been filed with delay of 427 days with an explanation given in the application for condonation of delay as under:

“2.The Petitioner submit that the impugned order was passed on 18.03.2019. That thereafter, an opinion was sought from the Office of the Government Pleader, Gujarat High Court, Ahmedabad which consumed time thereafter the Department moved the Law Department for permission to file SLP. After receiving the permission, the officials contacted the Advocate on Record at New Delhi & forwarded the documents the New Delhi. Subsequently, there was some documents to be translated from Gujarati to English. In the premises, a delay of 427 days has occurred in filing the present Special Leave Petition. The delay as has occasioned is unintentional. The Petitioner has prima facie a good case on merits.” The aforesaid itself shows the casual manner in which the State Government has approached this Court without any cogent or plausible ground for condonation of delay. In fact other than the lethargy and incompetence of the petitioner Government, there is nothing which has been put on record. We have repeatedly discouraged State Governments and public authorities in adopting an approach that they can walk in to the Supreme Court as and when they please ignoring the period of limitation prescribed by the Statutes as if the Limitation statute does not apply to them. In this behalf, suffice to refer to our judgment in the State of Madhya Pradesh & Ors. v. Bheru Lal [SLP [C] Diary No.9217/2020 decided on 15.10.2020 and The State of Odisha & Ors. v. Sunanda

Mahakuda [SLP [C] Diary No.22605/2020 decided on 11.01.2021. The leeway which was given to the Government on account of innate inefficiencies was the result of certain orders of this Court which came at a time when technology had not advanced and thus, greater indulgence was shown. This position is no more prevalent and the current legal position has been elucidated by the judgment of this Court in Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr. – (2012) 3 SCC 563. Despite this, there seems to be a little change in the approach of the Government and public authorities.

We have also categorized such kind of cases as “certificate cases” filed with the only object to obtain a quietus from the Supreme Court on the ground that nothing could be done because the highest Court had dismissed the appeal. The objective is to complete a mere formality and save the skin of the officers who may be in default in following the due process or may have done it deliberately. We have deprecated such practice and process and we do so again. We refuse to grant such certificates and if the Government suffers losses, it is time when concerned officers responsible for the same bear the consequences. The irony, emphasized by us repeatedly, is that no action is ever taken against the officers and if the Court pushes it, some mild warning is all that happens.

Looking to the period of delay and the casual manner in which the application has been worded, we consider appropriate to impose costs on the petitioner/State of Rs.25,000/- for wastage of judicial time, which has its own value and the same be deposited with the Supreme Court Advocates On Record Welfare Fund within four weeks. The amount be recovered from the officers responsible for the delay in filing the Special Leave Petition and a certificate of recovery of the said amount be also filed in this Court within the same period of time.

The Special Leave Petition is dismissed as time barred in terms aforesaid.

Pending application stands disposed of.

A copy of this order be placed before the Chief Secretary for the State of Gujarat cautioning that any non-adherence with the aforesaid order within timeline would result in appropriate proceedings being initiated against the Chief Secretary himself.

(ASHA SUNDRIYAL)

(ANITA RANI AHUJA)

ASTT. REGISTRAR-cum-PS

ASSISTANT

REGISTRAR