

“That appellant on receipt of the order have placed it before the full Board for considering the scope of filing appeal before this Hon’ble Tribunal. After the full Board decision the records were forwarded to the Counsel at New Delhi for preparing the appeal memorandum. The records received by the Counsel was got misplaced in his office and thereby he could not prepare the appeal and file it. The fact that appeal could not be filed was noticed only when the Board enquired about the present state of the appeal to the Counsel in the first week of July. Then effort was made to trace the case record and it could be filed only on 08.7.2013. Hence occurred the delay. It was due to an inadvertent oversight happened for the Counsel for the appellant it could not be filed within the prescribed time. It was not due to any laches or negligence from the side of the applicant but for the reasons stated above.”

The explanation offered by the Applicant in the Application to condone the delay would indicate that after receipt of the Order the matter has been placed before the Full Board and after taking the decision to file the Appeal, the records were sent to the counsel at Delhi and thereafter, the records were misplaced in the counsel's office and the effort was made to trace the case record and after tracing the record the Appeal was filed on 08.07.2013, and that was how the delay was occurred.

As correctly pointed out by the learned counsel for the Respondent that the explanation offered by the Applicant in the Application to condone the delay does not show that there is sufficient cause to condone the delay. Further the details as to the date on which full Board meeting was convened and on what date the papers

had been sent to the Counsel at New Delhi and how the records have been misplaced at counsel's office have not been furnished in the Application to condone the delay. Therefore, we are unable to accept the explanation to condone the delay. Accordingly, the Application is dismissed. Consequently, the Appeal is also rejected.

(V.J. Talwar)
Technical Member
Ts/ak

(Justice M. Karpaga Vinayagam)
Chairperson