

# **IN THE ARMED FORCES TRIBUNAL**

***REGIONAL BENCH, GUWAHATI***

**MA-05/2015  
RA-01/2015  
( in OA-31/2013**

**UOI and others  
Representd by Col Anurag Sukla**

Applicant

**By legal practitioners for  
Applicant**

Mr D.C.Chakraborty CGSC

**- Versus -**

**1.Ex Hav Jatin Borah**

Respondents

**for**

**By legal practitioner**

**Respondents**

Mr.Ashim Chamuah.

**P R E S E N T**

**HON'BLE MR.JUSTICE N.K.AGARWAL, MEMBER (J)  
HON'BLE LT GEN (RETD) GAUTAM MOORTHY, MEMBER (A)**

Heard Mr. D.C.Chakraborty, learned , CGSC for the applicants and Mr. Ashim Chamuah, learned counsel for the respondent. Also heard Major C.S.Sodhi, learned JAG Officer and Major Alifa Akbar,AMS(Legal).

2] Learned counsel for the respondent submits that he does not want to file any objection to the application for condonation of delay and are ready to argue the matter.

3] The MA -05/2015 has been filed by the applicant for condonation of

delay of 382 days in filing Review Application No.RA-01/2015 for review of the Judgment and order dated 29.01.2014 passed by this Tribunal in OA-31/2013.

4] We have heard the learned Counsel for both the parties and perused the materials available on record.

5] Indisputably, the order under review was passed by this Tribunal on 29.01.2014 and the review petition has not been filed within a period of 30 days prescribed under Rule 18 of the Armed Forces Tribunal (Procedure) Rules 2008. As per Rule 18 of the Armed Forces Tribunal (Procedure) Rules 2008, no application for review can be entertained unless it is filed within a period of 30 days from the date of receipt of a certified copy of the order sought to be reviewed.

6] Therefore, in view of the above provisions, the review application filed beyond the period of limitation is not maintainable. Moreover, the applicants have failed to satisfactorily explain the delay occurred in filing the review application. A similar view was taken by this Tribunal while disposing MA-09/2015 and RA-02/2015 in the case of Ex.Sep Subrata Debnath VS. Union of India by order dated 17.11.2015

7] Considering every aspects of the matter, in our considered opinion, the condonation application being not maintainable is liable to be dismissed and is accordingly dismissed.

12] Consequently, the review application No. 01/2015 is also dismissed as barred by limitation.

13] Both the Misc. Application and Review Application accordingly stand disposed of by this common order.

**MEMBER(A)**

**MEMBER(J)**

**mc**