2026 INSC 657

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2911 OF 2026
(Arising out of Special Leave Petition (Crl.) No.4727 of 2026)

JITTU YADAV ...APPELLANT

VERSUS

STATE OF CHHATTISGARH & OTHERS ...RESPONDENTS

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. The appellant before us assails the order dated 16.10.2025 passed by the High Court of Chhattisgarh at Bilaspur in WPCR No. 548 of 2025 (for short, "Impugned Judgment").

3. Briefly put, the facts giving rise to this appeal are as follows:

That the appellant was issued a show-cause notice dated 24.04.2025 by the District Magistrate, Balodabazar-Bhatapara under the provisions of the Chhattisgarh Rajya Suraksha

Adhiniyam, 1990 (for short, “Adhiniyam”), calling upon him to explain why an Externment Order should not be passed against him. The appellant submitted his reply; however, the District Magistrate passed the Externment Order dated 18.06.2025, directing the appellant to be externed from District Balodabazar-Bhatapara for a period of one year. Aggrieved, he preferred an appeal under Section 9 of the Adhiniyam before the State Government. However, by order dated 03.10.2025, the appeal was dismissed on the ground of limitation under Section 9 of the Adhiniyam, per which an appeal against the order of the Collector dated 18.06.2025 ought to have been preferred by the appellant within a period of thirty (30) days, but the same was filed only on 12.09.2025, i.e., after approximately 50 days, by the appellant. Aggrieved by the said dismissal, the appellant preferred a writ before the High Court. However, the same also came to be dismissed *vide* the impugned order dated 16.10.2025. Hence, this appeal.

4. We have heard learned counsel for the appellant Sri Ashish Kumar Pandey and learned A.A.G. Sri Rajat Nair for the State of Chhattisgarh. We have perused the material on record.

5. Learned counsel for the appellant has submitted as follows:

(i) The appellate authority being respondent No.1/State found that the appeal had been filed beyond the prescribed period of limitation being thirty (30) days as stipulated under Section 9(1) of Adhiniyam. Accordingly, the appeal was dismissed vide Order dated 03.10.2025 as barred by limitation. However, while Section 9 of the Adhiniyam prescribes a period of limitation for filing the appeal, it does not provide any express mechanism for condonation of delay nor does it expressly exclude applicability of Section 5 of the Limitation Act, 1963 (for short, "Limitation Act"). The Adhiniyam also does not prescribe any outer period of delay which could be condoned by the appellate forum.

(ii) That in view of Section 29(2) of the Limitation Act and the law laid down by this Court in a catena of decisions, Section 5 of the Limitation Act would apply. This is because the said provision is not specifically excluded in the present case. Hence, the delay in filing the appeal ought to have been condoned.

5.1 In the above context, learned counsel for the appellant drew our attention to the relevant provisions of the Adhiniyam and Limitation Act, which we shall refer to later.

5.2 Lastly, it was argued that the Externment Order, by directing the removal of the appellant from his district of residence entailed serious civil consequences for him and adversely affected his fundamental rights of movement and livelihood secured under Articles 19(1)(d) and 21 of the Constitution of India.

6. *Per contra*, learned Standing Counsel for respondent No.1-State submitted as follows:

(i) Several criminal cases including five cases under the Excise Act and two preventive proceedings were registered against the appellant and that the said cases revealed repeated involvement of the appellant in criminal activities. Therefore, on 13.04.2025, the Superintendent of Police, District Balodabazar-Bhatapara, after assessing the criminal antecedents and activities of the appellant, submitted a report to the District Magistrate recommending initiation of externment proceedings against the appellant whose

presence was considered prejudicial to the maintenance of public order in the locality.

(ii) That the appellant was afforded an opportunity of hearing in compliance with the principles of natural justice and accordingly, a show-cause notice was issued to him on 24.04.2025. On 05.05.2025, the appellant submitted his reply to the show cause notice and only thereupon, after due consideration of the material available on record, the District Magistrate passed the Externment Order dated 18.06.2025 directing the appellant to remove himself from District Balodabazar-Bhatapara for a period of one year.

(iii) The appeal against the said order was filed on 12.09.2025 which was beyond the prescribed limitation period of 30 days as stipulated under Section 9(1) of the Adhiniyam. Accordingly, the appeal was dismissed vide Order dated 03.10.2025 as being barred by limitation. That Section 9 of the Adhiniyam prescribes a period of limitation for filing appeal. The appeal, having been

filed only on 12.09.2025, i.e., after approximately 50 days, was rightly held barred by limitation.

(iv) In any case, the appellant had not preferred an application for condonation of delay under Section 5 of the Limitation Act in the appeal before the State Government against the Externment Order passed by the District Magistrate. Be that as it may, the State Government, while dismissing the appeal, proceeded on the premise that the delay was incapable of condonation under the statutory scheme of the Adhiniyam. The High Court also proceeded on the same assumption while declining to interfere under Article 226 of the Constitution of India. Resultantly, the Impugned Judgment has attained finality and warrants no intervention by this Court.

7. On hearing learned counsel for the respective parties, the question of law that falls for our consideration is: whether Section 5 of the Limitation Act stands excluded either expressly or by necessary implication from proceedings under Section 9 of the Adhiniyam?

8. The Adhiniyam is an enactment to provide security of the State, maintenance of public order and certain other matters connected therewith. Section 3 of the Adhiniyam enables a District Magistrate to make a restriction order for the purpose of maintenance of public order or to prevent a person from acting in a prejudicial manner to the security of the State. Section 4 deals with dispersal of anti-social elements and previous convicts. Section 5 deals with removal of persons from committing the offence, while Section 6 deals with removal of persons convicted of certain offences. Any order made under Sections 4, 5 or 6 against a person restraining him to enter into a district or part thereof or such area and any district or districts or any part thereof, contiguous thereto, shall be for such period as may be specified therein and shall in no case exceed a period of one year from the date on which it was made. Section 8 mandates hearing to be given before an order is made under Sections 3 to 6 of the Adhiniyam.

9. Section 9 of the Adhiniyam, with which we are mainly concerned, states that any person aggrieved by an order of the District Magistrate or any other officer specially empowered under the said Act may appeal to the State Government within thirty days

from the date of such order. Section 9 of the Adhiniyam reads as under:

> "**9. Appeal**—(1) Any person aggrieved by an order under section 3, 4, 5 or 6 made by the District Magistrate or any other officer specially empowered under Section 13 may appeal to the State Government within thirty days from the date of such order. Such appeal shall be decided as far as possible within a period of four months of the date of filing of the appeal.
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> (2) An appeal under this Section shall be preferred in the form of a memorandum setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a certified copy thereof.
>
> (3) On receipt of such appeal, the State Government may after giving a reasonable opportunity to the appellant to be heard either personally or by a legal practitioner and after such further inquiry, if any, as it may deem necessary, confirm, vary or rescind the order appealed against:
>
> Provided that the order appealed against shall remain in operation pending the disposal of the appeal, unless the State Government otherwise directs.
>
> (4) In calculating the period of thirty days provided for an appeal under this Section, the time taken for granting a certified copy of the order appealed against shall be excluded."

10. It is a settled position of law that the right to file an appeal is a statutory right or a creature of the statute and no other right to file an appeal can be recognized *de hors* a statute. A right of appeal is a creature of statute and no appeal can be filed unless

it is clearly expressed in terms of a statute. Further, the right of appeal is a substantive right and not merely a matter of procedure. It is a vested right which can be exercised when an adverse judgment is pronounced. Though it exists from the date the *lis* commences, such right is governed by the law prevailing on the date of the institution of the suit or proceeding and not by the law that prevails on the date of its decision or on the date of the filing of the appeal, vide ***Garikapati Veeraya vs. N. Subbiah Choudhry***, ***AIR 1957 SC 540***.

11. In ***Anant Mills Company Limited vs. State of Gujarat, (1975) 2 SCC 175***, it has been held that though the right of appeal is a creature of a statute, there is no reason why the legislature while granting the right cannot impose conditions for the exercise of such right so long as the conditions are not so onerous as to amount to unreasonable restrictions rendering the right almost illusory.

12. There is a fundamental distinction between a right to file a suit and right to file an appeal which has been explained by Y.V. Chandrachud J. (as His Lordship then was) in the case of ***Ganga Bai vs. Vijay Kumar***, ***(1974) 2 SCC 393*** as under:

> "There is a basic distinction between the right of suit and the right of appeal. There is an inherent right in every person to bring suit of a civil nature and unless the suit is barred by statute one may, at one's peril, bring a suit of one's choice. It is no answer to a suit howsoever frivolous the claim, that the law confers no such right to sue. A suit for its maintainability requires no authority of law and it is enough that no statute bars the suit. But the position in regard to appeals is quite the opposite. The right of appeal inheres in no one and therefore an appeal for its maintainability must have the clear authority of law."

13. On the question of a party having a right to file an appeal, one could usefully recall His Lordship Krishna Iyer J's observation in ***Sita Ram vs. State of U.P.***, ***(1979) 2 SCC 656***, wherein he has observed that "an appeal is the right of entering a superior court and invoking its aid and interposition to redress the error of the court below". "In an appeal, strictly the question is whether the order of the court from which the appeal is brought was right on the materials which that court had before it" ... "A right of appeal, where it exists, is a matter of substance, and not of procedure. Thus, the right of appeal is paramount, the procedure for hearing canalises so that extravagant prolixity or abuse of process can be avoided and a fair workability provided. Amputation is not procedure while pruning may be. That an appeal is a remedial right and if the remedy is reduced to a husk

by procedural excess, the right becomes a casualty. That cannot be."

14. With regard to filing of a suit or an appeal within the prescribed period of limitation, in ***N. Balakrishnan vs. M. Krishnamurthy***, ***(1998) 7 SCC 123***, this Court has held as under:

> "11. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the maxim *interest reipublicae up sit finis litium* (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time."

15. In ***State of Madhya Pradesh vs. Pradeep Kumar***, ***(2000) 7 SCC 372***, on the question of a belated appeal being unaccompanied by an application seeking condonation of delay

and the consequences of not filing the said application along with the memorandum of appeal and the fact that the said defect is curable, the Hon'ble Supreme Court has observed as under:

> "12. It is true that the pristine maxim *vigilantibus non dormientibus jura subveniunt* (law assists those who are vigilant and not those who sleep over their rights). But even a vigilant litigant is prone to commit mistakes. As the aphorism "to err is human" is more a practical notion of human behaviour than an abstract philosophy, the unintentional lapse on the part of a litigant should not normally cause the doors of the judicature permanently closed before him. The effort of the Court should not be one of finding means to pull down the shutters of adjudicatory jurisdiction before a party who seeks justice, on account of any mistake committed by him, but to see whether it is possible to entertain his grievance if it is genuine."

16. We may briefly explain the object and purpose of the Limitation Act before answering whether Section 5 thereof will come to the rescue of the appellant notwithstanding that the period of limitation under Section 9 of the Adhiniyam is specifically prescribed and the said provision is conspicuous by an absence of a clause to condone the delay when a belated appeal is filed; nor is there an express reference to read Section 5 of the Limitation Act into it.

17. The Limitation Act consolidates and amends the law of limitation of suits, appeals and applications and for purposes connected therewith. The law of limitation is an adjective law containing procedural rules and does not create any right in favour of any person, but simply prescribes that the remedy can be exercised only up to a certain period and not beyond. The Limitation Act therefore does not confer any substantive right nor define any right or cause of action. The law of limitation is based on delay and laches. It is well known that the Limitation Act only bars the remedy without extinguishing the rights. It is made to ensure that a plaintiff does not resort to procrastination or dilatory tactics, but seeks the remedy within a time fixed by the legislature. But in certain special circumstances like Section 27 of the Limitation Act, once the remedy becomes barred by limitation, the right itself gets extinguished, that is, when a suit for possession of any property gets extinguished on the determination of period of limitation. That unless there is a complete cause of action, limitation cannot run and there cannot be complete cause of action unless there is a person who can sue and a person who can be sued. There is also an important

principle which has crystallized in the form of the maxim that "when once the time has begun to run, nothing stops it". The public policy underlying the law of limitation is *"interest reipublicae ut sit finis litium"* meaning, that it is in the welfare of the republic that there be an end to litigation. Thus, the object is to put an end to the legal remedy and by so doing, have a fixed period of life for litigation.

18. Section 5 of the Limitation Act states that an appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908, may be admitted after the prescribed period, if the appellant or the applicant satisfies the Court that he has sufficient cause for not preferring the appeal or making the application within such period. Section 5 of the Limitation Act reads as under:

> **"5. Extension of prescribed period in certain cases.—** Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.
>
> *Explanation.*— The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period

may be sufficient cause within the meaning of this section."

19. We now turn to address situations where a special or local law, as in the present case, prescribes a different period of limitation than under the Limitation Act. The answer to this question is to be found in Section 29(2) of the Limitation Act. A plain reading of the said Section reveals that where any special or local law prescribes, *inter alia*, any appeal to be filed within a period of limitation different from the period prescribed by the schedule under the Limitation Act, Section 3 of the Limitation Act shall apply and the provisions contained in Sections 4 to 24, inclusive, shall apply insofar as, and to the extent to which, they are not expressly excluded by such special or local law. Sections 3 and 29(2) of the Limitation Act read as under:

"**3. Bar of limitation.—**(1) Subject to the provisions contained in sections 4 to 24 (inclusive), every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed, although limitation has not been set up as a defence.

(2) For the purposes of this Act,—

(a) a suit is instituted,—

(i) in an ordinary case, when the plaint is presented to the proper officer;

(ii) in the case of a pauper, when his application for leave to sue as a pauper is made; and

(iii) in the case of a claim against a company which is being wound up by the court, when the claimant first sends in his claim to the official liquidator;

(b) any claim by way of a set off or a counter claim, shall be treated as a separate suit and shall be deemed to have been instituted—

(i) in the case of a set off, on the same date as the suit in which the set off is pleaded;

(ii) in the case of a counter claim, on the date on which the counter claim is made in court;

(c) an application by notice of motion in a High Court is made when the application is presented to the proper officer of that court."

x x x

29. Savings.— (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in sections 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law."

20. On a reading of Section 29(2) of the Limitation Act, it becomes clear that where any special or local law prescribes, inter alia, any appeal to be filed within a period of limitation different from the period prescribed by the schedule under the Act, Section 3 of the Limitation Act shall apply and the provisions contained in Sections

4 to 24 inclusive shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law.

21. What we have to ascertain in the present case is: whether by virtue of Section 29(2) extracted above, there is an exclusion of Sections 4 to 24, particularly of Section 5, either expressly or by necessary implication, under the provisions of the Adhiniyam, 2019.

22. Some of the judicial dicta having a bearing on the question under consideration may be adverted to this stage:

(i) The effect of Section 29(2) of the Limitation Act has been summarised by this Court in ***Mukri Gopalan vs. Cheppilat Puthanpurayil Aboobacker, (1995) 5 SCC 5***, as follows:

> "8. … A mere look at the aforesaid provision shows for its applicability to the facts of a given case and for importing the machinery of the provisions containing Sections 4 to 24 of the Limitation Act the following two requirements have to be satisfied by the authority invoking the said provision:
>
> (i) There must be a provision for period of limitation under any special or local law in connection with any suit, appeal or application.
>
> (ii) The said prescription of period of limitation under such special or local law should be different from the period prescribed by the Schedule to the Limitation Act.

> 9. If the aforesaid two requirements are satisfied the consequences contemplated by Section 29(2) would automatically follow. These consequences are as under:
>
> (i) In such a case Section 3 of the Limitation Act would apply as if the period prescribed by the special or local law was the period prescribed by the Schedule.
>
> (ii) For determining any period of limitation prescribed by such special or local law for a suit, appeal or application all the provisions containing Sections 4 to 24 (inclusive) would apply insofar as and to the extent to which they are not expressly excluded by such special or local law."

There is no difficulty insofar as the applicability of Section 29(2) of the Limitation Act to the present case is concerned. The Adhiniyam, being a special law, prescribes in Section 9 a period of limitation for appeals against the order of the District Magistrate, i.e. 30 days. What remains to be seen is, whether, Section 9 of the Adhiniyam excludes the operation of Sections 4 to 24 (inclusive) and in particular Section 5 of the Limitation Act.

(ii) In ***Hukumdev Narain Yadav vs. Lalit Narain Mishra, (1974) 2 SCC 133***, this Court interpreted Section 29(2) of the Limitation Act against the argument that the provisions of the Limitation Act are not applicable to the proceedings under the

Representation of the People Act, 1951. It was argued that the words "expressly excluded" appearing in Section 29(2) would mean that there must be an express reference made in the special or local law to the specific provisions of the Limitation Act of which the operation is to be excluded. Rejecting the argument, the three-Judge Bench of this Court held:

> "17. … what we have to see is whether the scheme of the special law, that is in this case the Act, and the nature of the remedy provided therein are such that the legislature intended it to be a complete code by itself which alone should govern the several matters provided by it. If on an examination of the relevant provisions it is clear that the provisions of the Limitation Act are necessarily excluded, then the benefits conferred therein cannot be called in aid to supplement the provisions of the Act. *In our view, even in a case where the special law does not exclude the provisions of Sections 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the court to examine whether and to what extent the nature of those provisions or the nature of the subject-matter and scheme of the special law exclude their operation*."

(iii) In ***Union of India vs. Popular Construction Company, (2001) 8 SCC 470 ("Popular Construction Company")***, this Court considered whether the delay in filing an application under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside an arbitral award could be condoned by

invoking Section 5 of the Limitation Act. Section 34(3) prescribes a limitation period of three months, with a further grace period of thirty days if sufficient cause is shown, is accompanied by the phrase "but not thereafter." This Court interpreted that phrase as a clear legislative mandate excluding any extension beyond the additional thirty days. It held that the expression constituted an express exclusion within the meaning of Section 29(2) of the Limitation Act, thereby rendering Section 5 of the said act inapplicable. Upon further examining the scheme and object of the Arbitration Act, this Court concluded that the limitation period prescribed under Section 34(3) was absolute beyond the specified extended period and incapable of further enlargement.

(iv) In ***Commissioner of Customs and Central Excise vs. Hongo India Private Limited, (2009) 5 SCC 791 ("Hongo India")***, this Court examined whether delay in filing a reference application before the High Court under Section 35-H(1) of the Central Excise Act, 1944 could be condoned by invoking Section 5 of the Limitation Act. The provision required such reference to be made within 180 days from the date of service

of the Tribunal's order. Since the application in that case was filed beyond the prescribed period, the issue was, whether, the High Court possessed the authority to extend the limitation period. Upon analysing the framework of the Central Excise Act and the nature of the statutory remedy, this Court held that the said Act constituted a self-contained code governing limitation for proceedings under it. This Court also observed that even where a special statute does not expressly exclude Sections 4 to 24 of the Limitation Act, exclusion may still arise by "necessary implication" from the scheme, object, and structure of the special law. The determination as to whether Section 5 applies, therefore, depends not merely upon the language of the Limitation Act, but upon whether the special enactment manifests an intention to exclude such applicability expressly or even by necessary implication. It was noted as under:

> "35. It was contended before us that the words "expressly excluded" would mean that there must be an express reference made in the special or local law to the specific provisions of the Limitation Act of which the operation is to be excluded. In this regard, we have to see the scheme of the special law which here in this case is the Central Excise Act. The nature of the remedy provided therein is such that the legislature

> intended it to be a complete code by itself which alone should govern the several matters provided by it. If, on an examination of the relevant provisions, it is clear that the provisions of the Limitation Act are necessarily excluded, then the benefits conferred therein cannot be called in aid to supplement the provisions of the Act. In our considered view, that even in a case where the special law does not exclude the provisions of Sections 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the court to examine whether and to what extent, the nature of those provisions or the nature of the subject-matter and scheme of the special law exclude their operation. In other words, the applicability of the provisions of the Limitation Act, therefore, is to be judged not from the terms of the Limitation Act but by the provisions of the Central Excise Act relating to filing of reference application to the High Court."

Applying this principle to facts of that case, the Court concluded that the limitation period prescribed under Section 35-H(1) was intended to be rigid and incapable of extension. Consequently, Section 5 of the Limitation Act was held inapplicable, and the delay was not condoned in the said case.

(v) In ***Chhattisgarh State Electricity Board vs. Central Electricity Regulatory Commission, (2010) 5 SCC 23 ("Chhattisgarh State Electricity Board")***, this Court considered whether delay in filing an appeal under Section 125 of the Electricity Act, 2003 could be condoned beyond the

maximum period prescribed therein by resorting to Section 5 of the Limitation Act. Briefly put, Section 125 of the aforesaid Act provided that an appeal against a decision of the Appellate Tribunal for Electricity was required to be filed within sixty days from the date of communication of the order, with the proviso empowering the Supreme Court to permit filing within a further period not exceeding sixty days upon sufficient cause being shown. After examining the scheme and object of the Electricity Act, this Court held that the enactment was a complete and self-contained code establishing a specialised adjudicatory framework for resolution of disputes under the Act. The limitation provision itself prescribed both the original period and the maximum extent to which delay could be condoned. The Court inferred from this scheme that the Parliament intended to place an absolute outer limit on the power to condone delay. Accordingly, it was held that once the aggregate period of 120 days had expired, Section 5 of the Limitation Act could not be invoked to enlarge the limitation further, and any appeal filed beyond that period was not maintainable as being barred.

(vi) In ***Bengal Chemists & Druggists Association vs. Kalyan Chowdhury, (2018) 3 SCC 41 ("Bengal Chemists")***, the question was, whether, under Sections 421(3) and 433 of the Companies Act, 2013, an appeal from the orders of the Tribunal could be preferred after the limitation period of forty-five (45) days prescribed in Section 421(3) plus additional forty-five (45) days in its proviso had lapsed. This Court observed that Section 421(3) of the Companies Act, 2013 does not merely contain the initial period of 45 days for filing an appeal, but also grants a further period of 45 days, being the grace period. This grace period of 45 days was held to be a special in-built variant of Section 5 of the Limitation Act, which the Parliament had expressly incorporated in the special law. Accordingly, the application of Section 5 of the Limitation Act was denied by this Court. What is important, for our purpose, is that emphasis was laid by this Court on the expression "not exceeding 45 days" in the proviso to Section 421(3) of the Companies Act, 2013, to state that it would have the same effect as the expression "but not thereafter", as occurring in the proviso to Section 34(3) of the Arbitration Act.

23. Thus, what emerges from the above discussion is that whenever there is a special enactment prescribing a limitation period distinct from the Limitation Act, it falls for the courts to determine whether Section 5 of the Limitation Act is excluded. In Section 29(2) of the Limitation Act the expression that occurs is "expressly excluded by special or local law". But, with the passage of time, the expression "expressly excluded" has been interpreted to also include "exclusion by necessary implication", having regard to the scope, object and scheme of the special law.

Therefore, the applicability of Section 5 of the Limitation Act must be decided from the language, object, and scheme of the special or local enactment in question. While a special statute may prescribe a distinct period of limitation, that by itself will not automatically exclude the operation of Sections 4 to 24 of the Limitation Act. Under Section 29(2), those provisions continue to apply unless their applicability is expressly or by necessary implication excluded having regard to the scheme of the special or local enactment.

24. The aforesaid decisions of this Court, which we have referred to and where Section 5 of the Limitation Act had been held

inapplicable, demonstrate that exclusion of Section 5 is not inferred merely because a special statute prescribes a distinct period of limitation. Rather, exclusion is to be founded on clear statutory language or a legislative scheme indicating that the prescribed limitation is absolute and incapable of enlargement. Thus, in ***Popular Construction Company***, the Court treated the expression "but not thereafter" in Section 34(3) of the Arbitration and Conciliation Act as an express exclusion of Section 5. Similarly, in ***Chhattisgarh State Electricity Board***, the Electricity Act itself prescribed both the original limitation period and the maximum extent to which delay could be condoned, leading the Court to conclude that Parliament intended to impose an absolute outer limit beyond which no extension was permissible. So also in ***Bengal Chemists***, the expression "not exceeding 45 days" in the proviso to Section 421(3) of the Companies Act was held to have the same restrictive effect as the phrase "but not thereafter," thereby excluding recourse to Section 5 beyond the prescribed grace period.

24.1 Even in cases where the statute did not expressly exclude Section 5, the Court examined whether exclusion arose by

necessary implication from the scheme and structure of the enactment. Thus, in ***Hongo India***, the Central Excise Act was treated as a self-contained code and the limitation prescribed therein was held to be rigid and unextendable.

24.2 However, when we revert to the present case, the statute in question stands on an entirely different footing. Section 9 of the Adhiniyam merely prescribes that an appeal may be filed within thirty days and does not contain any expression akin to "but not thereafter," "not exceeding," or any other restrictive expression indicating that delay beyond the prescribed period cannot be condoned. Nor does the Adhiniyam prescribe any maximum outer limit in terms of period of time for condonation from which, legislative intent to exclude Section 5 may be inferred. Unlike the enactments considered in the above decisions, the Adhiniyam does not create a self-contained code of limitation. It also does not disclose a scheme suggesting that the appellate authority becomes *functus officio* upon expiry of thirty days. It only prescribes a limitation period but does not provide a specific and limited grace period for condonation beyond the above limitation period, or use restrictive expressions such as "but not thereafter" or "not

exceeding", etc. If hypothetically it did, the legislative intent could have been understood to mean that beyond the prescribed outer limit, the authority ceases to possess jurisdiction to entertain the matter or becomes *functus officio* after expiry of that maximum period. But, Section 9 of the Adhiniyam merely provides that an appeal may be filed within thirty days from the date of the order. The provision neither states that the appellate authority shall have no power to condone the delay, nor employs prohibitive language indicating finality after expiry of the prescribed period of thirty days being the limitation period. The absence of words such as "but not thereafter," or any equivalent restrictive formulation, is significant because where the legislature intends to make limitation absolute and unextendable, it ordinarily does so in clear terms.

24.3 Further, Section 9 of the Adhiniyam does not reveal a self-contained or exhaustive limitation mechanism to the exclusion of the general law of limitation. For instance, Section 9(4) which expressly incorporates a recognised principle of the general law of limitation by directing exclusion of the time taken for obtaining a certified copy of the impugned order for the purpose of calculating

limitation. This indicates that the legislature did not contemplate total insulation from the general law of limitation.

24.4 The nature of the remedy provided is also relevant. Section 9 of the Adhiniyam confers a right of appeal against orders of externment which have civil and criminal consequences affecting the liberty, movement, livelihood, and reputation of the aggrieved person. The appellate remedy, therefore, constitutes an important procedural safeguard against possible arbitrary or erroneous exercise of power under the Adhiniyam. In such a context, the right of appeal itself is to be treated as an integral component of fair procedure. Such a right should not ordinarily be defeated on technical grounds unless, of course, the statute clearly mandates strict exclusion which, as we have already stated, it does not. Hence, a purposive interpretation ought to be made of Section 9 of the Adhiniyam having regard to Section 29(2) of the Limitation Act.

24.5 The law of limitation is intended to regulate the exercise of remedies and ensure diligence, but it is not meant to extinguish rights, particularly civil rights, in the absence of express legislative command. Consequently, where the statute is silent on the exclusion of condonation powers, as in the present case, the

interpretation that preserves the appellate remedy and advances substantial justice ought to be preferred over one that defeats the remedy on that technicality alone. As noted, this principle will acquire greater significance where the consequences are grave. Denial of appellate scrutiny solely on account of delay, despite sufficient cause being shown, may result in irreversible prejudice, in fact, loss of an appellate remedy itself if the appeal is to be filed even on the thirty first day as the limitation period is only thirty days. Therefore, unless the statute expressly or by necessary implication excludes the operation of Section 5 of the Limitation Act, the appellate authority should retain the discretion to condone delay in appropriate cases. Hence, an interpretation that would lean in favour of an appellant who seeks access to an appellate remedy under Section 9 of the Adhiniyam must be made.

25. In our view, both from the text of Section 9 and from the overall statutory scheme of the Adhiniyam, there is no indication that the legislature intended to exclude the operation of Section 5 of the Limitation Act. There is no contra provision in the Adhiniyam expressly for not condoning the delay if an application is filed beyond thirty days under sub-section (1) of Section 9 of the

Adhiniyam. In the absence of such exclusion, Section 5 of the Limitation Act operates, and delay in filing the appeal can be condoned upon sufficient cause being shown in accordance with Section 5 of the Limitation Act.

26. In the result, we conclude as follows:

a. Section 9 of the Adhiniyam does not bar the application of Section 5 of the Limitation Act.

b. No application under Section 5 of the Limitation Act seeking condonation of delay being before the State Government, the application for directions filed by the appellant being Crl. M.P. No.150947 of 2026 before this Court is taken on record and is allowed. The delay in filing the appeal is condoned.

c. Accordingly, the appeal before the State Government under Section 9 of the Adhiniyam stands restored and shall be decided on its own merits and in accordance with law as expeditiously as possible and at any rate on or before 15.06.2026. The appellant shall appear before the State Government on 01.06.2026.

d. Resultantly, the Impugned Judgment dated 16.10.2025 passed by the High Court of Chhattisgarh at Bilaspur in WPCR No. 548 of 2025 is set aside.

27. The appeal stands disposed of in the aforesaid terms.

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

.....J.
(B.V. NAGARATHNA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 27, 2026.