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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 847/2016 & C.M.Nos.3760-3761/2016

NECTAR LILFESCIENCES LIMITED

..... Petitioner

Through Mr.Praveen Mahajan, Advocate.

versus

THE GOVT. OF NCT OF DELHI

..... Respondent

Through Mr.Santosh Kumar Tripathi, ASC for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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05.02.2016

Present petition has been filed seeking quashing of the order dated 11th October, 2012, by virtue of which the petitioner was permanently blacklisted from participating in tender by the respondent. In the alternative, the petitioner seeks modification of the order dated 11th October, 2012 by reducing the period of blacklisting to three years i.e. the period undergone.

Learned counsel for the petitioner states that on the principle of proportionality, the petitioner is entitled to the deduction in the period of blacklisting. In support of his submissions, he relies upon the judgment of the Apex Court in *Kulja Industries Limited Vs. Chief Gen. Manager W.T. Proj. BSNL & Ors. in Civil Appeal No.8944/2013, decided on 4th October, 2013.*

However, this Court finds that the present writ petition is barred by laches, inasmuch as the present petition has been filed more than three years after permanent blacklisting order has been passed.

In State of Madhya Pradesh and another Vs. Bhailal Bhai &

Anr., AIR 1964 SC 1006, the Supreme Court has held as under:-

“.....Learned Counsel is right in his submission that the provisions of the Limitation act do not as such apply to the granting of relief under Art.226. It appears to us however that the maximum period fixed by the legislature as the time within which the relief by a suit in a civil court must be brought may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Art.226 can be measured. This Court may consider the delay unreasonable even if it is less than the period of limitation prescribed for a civil action for the remedy but where the delay is more than this period, it will almost always be proper for the Court to hold that it is unreasonable.....”

The Supreme Court in ***Banda Development Authority, Banda Vs. Moti Lal Agarwal & Ors., (2011) 5 SCC 394*** has held as under:-

“ 17. It is true that no limitation has been prescribed for filing a petition under Article 226 of the Constitution but one of the several rules of self-imposed restraint evolved by the superior courts is that the High court will not entertain petitions filed after long lapse of time because that may adversely affect the settled/crystallised rights of the parties. If the writ petition is filed beyond the period of limitation prescribed for filing a civil suit for similar cause, the High Court will treat the delay unreasonable and decline to entertain the grievance of the petitioner on merits.”

(emphasis supplied)

Consequently, this Court is of the opinion that the present writ petition is barred by delay and laches. Accordingly, the same is dismissed along with the applications.

MANMOHAN, J

FEBRUARY 05, 2016

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