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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 450/2016

M/S PADAM EXPORTS Appellant
Through: Mr.Arun Kumar Srivastava, Adv.

Versus

UNION OF INDIA Respondent
Through: Mr.Amit Mahajan with Ms.Rajul Jain
and Mr.Nitya Sharma, Advs. for UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **10.08.2016**

CM No.29036/2016 (*exemption*)

Allowed, subject to all just exceptions.

CM No.29037/2016 (*delay of 1534 days in filing*)

1. This application is filed seeking to condone the delay of 1534 days in filing the main Letters Patent Appeal.
2. As could be seen from the material available on record, W.P.(C) No.4838/2010 filed by the appellant herein for quashing the order dated 25.07.2006 of the Government of India confirming the decision of the Joint Director General of Foreign Trade, Mumbai not to grant a Value-based Advance Licence in terms of the Export and Import Policy, 1992-97 was dismissed by the learned Single Judge by order dated 24.09.2010. The petition filed for review of the said order being Rev. Pet. No.133/2011 was also dismissed by the learned Single Judge by order dated 26.08.2011.

3. The present appeal against the said orders of the learned Single Judge dated 24.09.2010 and 26.08.2011 came to be filed in August, 2016. The delay of more than five years in filing the appeal is sought to be explained by the applicant/appellant as under:

- "1. That the Appellant has filed present LPA against the Order dtd. 24-09-2010.
2. That the Appellant is continuously pursuing the matter before the PM Office and senior authorities of the respondents for compliance of the directions issued by Hon'ble Court in Order dated 05-05-2006 in accordance with law. Copies of said some complaints/letters to PMO etc are annexed here to.
3. Hence, the time taken for the legal remedy is exempted under Section 14 of the Limitation Act. Hence, this LPA is within time and is not barred by the law of the limitation. Copy of said some letters received from PMO / sent by the Appellant to PM office / respondents is annexed with this LPA.
4. That now-a-days, Appellant is not keeping good health and has become very weak, due to his ongoing illnesses and critical financial hardships. The present situation makes it difficult for the Appellant to undergo the rigorous of civil litigation.
5. Thus, the whole of his life is uncertain and he may not live longer and survival of his family is at stake.
6. That the Appellant is a poor man on verge of dying and wants to see the justice before he departs from this world. He is suffering from various chronic ailments. Appellant and his family is on the verge of total collapse.
7. That Appellant could not file LPA in time for the reasons beyond his control. Hence, kindly condone the delay in filing of LPA for the said period, if any, in the interest of justice.
8. That the present application is bonafide, and in the interest of justice.

It is, therefore, most respectfully prayed that this Hon'ble Court in the interest of justice may graciously be pleased:-

- a) The Appeal is within time and is not barred by the Law of limitation because the Appellant is pursuing the matter before the Government. If any delay in filing this Appeal, the same may be condoned for the said period, 75 days, if any, in the interest of justice;
- b) Any other Order or reliefs as this Hon'ble Court deems fit, just and proper may be passed in favour of the Appellant, in the facts and circumstances of the present case in the interest of justice."

4. Having heard the learned counsel for the applicant and having considered the above-mentioned explanation offered for the delay, we are of the view that absolutely no sufficient cause is made out to condone the inordinate delay of 1534 days in filing the appeal.

Application is accordingly dismissed.

LPA No.450/2016

In view of the order passed in CM No.29037/2016, the appeal shall stand dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

AUGUST 10, 2016

pmc