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

+ **W.P.(C) 8636/2016**

DHAN RAJ

..... Petitioner

Through Mr.Harpreet Singh and Mr. Rajesh
Gupta, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR. Respondents

Through Mr.Yeeshu Jain and Ms.Jyoti Tyagi,
Advocates for R-1.
Mr.Arun Birbal, Advocate for
DDA/R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **26.09.2016**

C.M. No.35582/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 8636/2016 & C.M. No.35581/2016

Petitioner is aggrieved by the fact that his application seeking allotment of an alternate plot was not considered. It was rejected as time barred by the communication dated 19.5.2015. It was noted that the application is time barred. This communication itself has recorded that compensation qua the acquired land of the petitioner was received by the petitioner on 26.7.2002. He had to make an application for allotment of an alternate plot 25.7.2003. The date of the submission of the application of the petitioner is 23.7.2003. However, the affidavit submitted along with the application reflects that the affidavit was purchased on 29.7.2003. When this application had been filed/received in the office after 30.7.2003, the said

application being time barred (not having filed within the prescribed period of one year), the application stood rejected.

Record has been perused.

Record substantiates this submission of the petitioner that he had moved his application seeking alternate plot on 23.7.2003 and the copy of the acknowledgement of the application bears the stamp of the Department. The explanation qua affidavit is that the affidavit has been filed belatedly; this has been on 30.7.2003. This appears to be apparent from the record. At best the case of the Department would be that the application dated 23.7.2003 was unaccompanied by the affidavit. This Court notes that even otherwise there would be a delay of only four days in that position.

A Division Bench of this Court in a judgment reported as 226(2016) 226(2016) DLT 269 Government of NCT of Delhi Vs. Poonam Gupta had noted that if the petitioner otherwise has a case on merits, delay should not come in his way if justifiably explained. In the instant case even as per the respondent the delay would be about of four days; this Court is inclined to condone this delay.

The letter of rejection dated 19.5.2015 is accordingly set aside. The case of the petitioner be considered on merits. The application of the petitioner be disposed of accordingly on merits within an outer limit of six months from today.

With these directions petition disposed of.

INDERMEET KAUR, J

SEPTEMBER 26, 2016/ndn