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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11011/2015**
DHARAM VEER

..... Petitioner

Through Mr.Pankaj Vivek, Advocate.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondent

Through Mr.Yeeshu Jain and Ms.Jyoti Tyagi,
Advocates for R-1.
Mr.Karan Sharma, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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29.08.2016

Petitioner is aggrieved by the letter of rejection dated 19.5.2015 issued by the Department wherein his application seeking allotment of an alternate plot was not considered as it was stated that the application had been filed beyond the period of limitation. The letter of rejection has detailed the dates. In this letter itself it has been stated that the petitioner has received his compensation for the acquired land on 05.12.2002. He had made the application for allotment of an alternate plot in view of his acquired land on 28.01.2004 which was beyond the time period of one year meaning thereby that this application was made after a delay of 54 days.

Learned counsel for the petitioner has placed reliance upon a

judgment of a Division Bench of this Court in LPA 190/2015 titled as Government of NCT of Delhi Through Secretary Vs. Poonam Gupta decided on 12.8.2015. Para 19 of the judgment clearly states that the application for allotment of alternate plot, if any, made beyond the period specified may not be rejected as time barred once it is found that the delay has been satisfactorily explained. In that case, the delay was ranging between 21 days to 4 months. The delay in the instant case as noted supra was about 41 days. Contention of the petitioner is that this time period was not known to the petitioner. Even otherwise since there were certain government documents which have to be obtained by the petitioner it took time to obtain the certified copies of the aforementioned documents. This explanation is justifiable.

In this view of the matter, the letter of rejection dated 19.5.2015 is set aside and the case of the petitioner be considered on merits.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 29, 2016

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