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

+ LPA 193/2017 & C.M.No.10769/2017(delay in filing),
C.M.No.10770/2017 (*stay*)

GOVERNMENT OF NCT OF DELHI THR SECRETARY
(LAND & BUILDING DEPARTMENT)

Appellant

Through: Mr.Yeeshu Jain with Ms.Jyoti Tyagi,
Advs.

Versus

BALBIR SINGH & ANR

Respondents

Through: Mr.Nikhil Goel, Adv. with
Mr.Ashutosh Ghade, Advs. for DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

22.03.2017

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C.M.No.10771/2017 (*exemptions*)

Allowed subject to all just exceptions.

LPA 193/2017 & C.M.No.10769/2017 (*delay in filing*)

1. The Government of NCT of Delhi/Respondent in W.P.(C)No.10964/2015 is the appellant before us.
2. The said writ petition was disposed of on 29.08.2016 and the present appeal came to be filed with a delay of 168 days. The only explanation offered is that the delay was on account of follow up of long administrative procedure in filing the appeal. Though it is pleaded that the delay was unintentional, apparently, the appellant was not diligent in pursuing the proceedings and the entire approach appears to be extremely casual. In identical circumstances we declined to condone the delay in **LPAs No.138/2017 and 139/2017** titled ***GNCTD Vs. Sanjay & Ors.*** holding that

the matter does not call for liberal attitude for condonation of the delay.

3. Even on merits of the case, we are of the view that the present appeal is squarely covered by the judgment in LPAs No.138/2017 and 139/2017. In the said appeals we confirmed the orders of the learned Single Judge in W.Ps.(C) No.8636/2016 and 8566/2016 holding that the delay of 4 days and 7 days respectively in making the applications for allotment of an alternate plot is negligible. We, thus, concluded:-

"9. It may be true that the long delay in making the application under the Scheme is a factor to draw an inference that there is no actual need of the alternative plot, however, it cannot be held that all the applications which are made beyond the period prescribed in the Public Notice shall be rejected as barred by limitation.

10. Hence, we are in consonance with the view taken by the learned Single Judge."

4. **LPAs No.138/2017 and 139/2017** titled *GNCTD Vs. Sanjay & Ors.* were accordingly dismissed confirming the orders of the learned Single Judge whereby the rejection orders passed by the Government of NCT of Delhi were set aside and the applications of the writ petitioners therein were directed to be considered on merits.

5. In the present case, we found that there was delay of 54 days in making the application for alternate plot. In the light of the reasons stated in the judgment rendered by us today in **LPAs No.138/2017 and 139/2017** titled *GNCTD Vs. Sanjay & Ors.*, we are of the view that the learned Single Judge was justified in accepting the explanation for the said delay of 54 days. Hence, the order under appeal setting aside the appellant's order of rejection dated 03.06.2015 and directing to consider the case of the writ

petitioner on merits warrants no interference by us.

6. Accordingly, the appeal is dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

MARCH 22, 2017
/pmc