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

+ **W.P.(C) 9231/2017**

VAKIL AHMAD SAIFI

..... Petitioner

Through: Mr S. N. Kalra and Ms Meenakshi
Kalra, Advocates.

versus

**HARYANA STATE INDUSTRIAL DEVELOPMENT
CORPORATION LIMITED.**

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.10.2017

CM No. 37750/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 9231/2017

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) Issue an appropriate writ / Order or direction to the Respondent HSIDC for handing over possession of the Industrial shed measuring 185.75 Sq. meters or of any other specification in the vicinity as the Petitioner has applied for, completing all the requisite formalities.”

3. The petitioner had made an application for allotment of an industrial shed to respondent no.1 on 11.02.1992. It is stated that the petitioner's application was accepted and by a communication dated 30.12.1992, the petitioner was called upon to submit the information sheet within 21 days.

Admittedly, the petitioner did not submit the said information sheet within the specified time. The amount of `32,760/- paid by the petitioner for allotment was also refunded by a cheque dated 18.11.1992, which the petitioner states was accepted under protest.

4. The petitioner did not institute any proceedings, thereafter. However, in November, 2015 he caused a legal notice to be sent to the respondent which was not responded to. The petitioner states that on the advice of his advocate he filed a suit on 23.05.2016 against the respondent, which was subsequently dismissed on 28.01.2017 as barred by limitation.

5. The learned counsel for the petitioner earnestly contended that the petitioner is a poor person and had met with an accident in the year 1990. In the circumstances, he could not comply with the communication dated 30.12.1992. He also submits that in 1995, the petitioner suffered from L ankle and L foot disorder and this also prevented the petitioner from pursuing his claim.

6. This Court is unable to grant the relief as sought for as it is clearly barred by limitation. Admittedly, the petitioner had accepted the refund of the amount deposited in the year 1992 and, concededly, his application for allotment could not be proceeded with, thereafter. The petitioner for the first time had caused a legal notice to be issued in 2015; about 22 years after receiving refund of the application amount.

7. The petition is, accordingly, dismissed. No order as to costs.

VIBHU BAKHRU, J

OCTOBER 23, 2017/MK