

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3372 OF 2016

Nita Nilesh Damse	.. Petitioner
Vs.	
Union of India and ors.	.. Respondents

Mr.Parag M. Tilak, for the Petitioner.
Mr.C.P. Yadav, AGP for State.
Mr.N.D. Sharma a/w Ms.Nisha Valani, for Respondent No.1 –
Union Of India.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 03rd APRIL, 2018**

P.C. :

1. Leave to amend is granted. Amendment to be carried out forthwith.

2. Challenging the L.O.I dated 06/08/2010 issued by 2nd respondent in favour of 3rd respondent and the commission of the retail outlet with effect from 31/08/2010, the petitioner has filed this Petition on 04/09/2015.

3. According to the petitioner, he had submitted a representation on 08/02/2012- Exhibit D and thereafter was waiting for outcome of it and as such he did not file the Petition.

4. Having considered the submissions made by learned Counsel for the petitioner explaining the delay which is about more than of 5 years from the date of issuance of L.O.I and more than of 3 years from the date of submission of the representation, we are of the view that the Petition deserves to be dismissed on the ground of delay and laches.

5. The explanation offered for not filing of the Petition within a reasonable time is unacceptable.

6. The petitioner filed representation on 08/02/2012 about 1 ½ years of the grant of L.O.I and after filing of the representation also did not pursue the remedy promptly and had filed this Petition in the year 2015. It is now well settled that mere giving of the representation does not extend the cause of action or limitation, (see S.S.Rathod Vs. State of M.P AIR 1990

S.C.)

7. In the circumstances, we are of the view that the Petition deserves to be dismissed on the ground of delay and laches and the same is accordingly dismissed.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)