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

+ W.P.(C) 7091/2018

H K MITTAL

..... Petitioner

Through: Mr Santosh Paul and Mr Sreenath S.,
Advocates.

versus

THE NEW INDIA ASSURANCE CO. LTD.

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.07.2018

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 03.02.2015 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'CIC'), whereby the second appeal preferred by the petitioner under Section 19(3) of the Right to Information Act, 2005 was rejected. There is no explanation for the delay in filing the present petition. Although, the Limitation Act, 1963 may not strictly apply to the petitions preferred under Section 226 of the Constitution of India, it is settled law that the substratal principles of the Limitation Act would be applicable to such petitions. The Law of limitation does not extinguish rights, but only bars recourse to courts for enforcing such rights.
2. Admittedly, there is an inordinate delay in filing the petition. More than three years have expired since the order impugned in this petition was passed. The litigant who is not vigilant of his right and is unable to explain

the delay in availing of the remedies (as is the case here) is certainly not entitled to recourse to courts.

3. In view of the above, this Court is of the view that the discretionary remedy under Article 226 of the Constitution of India is not available to the petitioner. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JULY 11, 2018
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