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

+ W.P.(C) 5630/2015

HARI RAM GUPTA

..... Petitioner

Through: Mr G.D. Parashar and Mr K.K.
Agarwal, Advocates.

Versus

GOVT. OF N.C.T. OF DELHI AND ANR.

..... Respondents

Through: Mr Gautam Narayan, ASC with Ms
Shivani Vij, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.10.2018**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 08.02.2005 passed by the Appellate Committee.
2. The petitioner states that he was operating a business of manufacturing Doors, Windows, Rolling Shutters and Gate Grills of mild steel at a unit located at B-151, Shalimar Village, Main Road Delhi – 110088.
3. Respondent no.1 had floated a scheme for relocating industries in view of the directions passed by the Supreme Court of India in *MC Mehta vs Union of India*. On 27.12.1996, the petitioner applied for allotment of an industrial plot under the aforementioned relocation scheme floated by respondent no.1.
4. The petitioner's application was rejected on 01.11.1999. Further, this Court is also informed that the earnest money deposited by the petitioner

was refunded on 03.10.2010.

5. The petitioner being aggrieved by the rejection of his application preferred an appeal before the Appeal Committee (a Committee of two persons). The petitioner claims that he had appeared before the Chairman of the Appeal Committee on 14.09.2001, 09.10.2001 and 31.10.2001 and had shown the original of the photocopies of the documents filed along with the appeal to establish that he was running an industrial unit at the material time.

6. It is the petitioner's case that the Appeal Authority had accepted the petitioner's appeal and recommended the petitioner's case for allotment. However, the said minutes of the Appeal Committee were only signed by the Chairman of the Appeal Committee and not by the member.

7. The matter was again examined by the Appeal Committee in 2005 and the petitioner's appeal was rejected. The petitioner contends that the Appeal Committee cannot review its own decision, which was taken earlier on 24.10.2001. Mr Parashar, the learned counsel appearing for the petitioner also contends that merely because the member had not signed the said minutes, cannot be a ground for reviewing the same.

8. The petitioner became aware of the said decision at the material time and also filed a representation on 12.12.2007. However, the petitioner's representation was also not accepted.

9. In view of the above, the petitioner sent a legal notice dated 14.01.2013; that is, after more than five years of the petitioner having made his representation and almost eight years after the petitioner's appeal had been rejected. This representation was also not acceded to.

10. Thereafter, the petitioner made complaints to other authorities including the Director, Vigilance. He filed the present petition on or about 27.04.2015.

11. The petitioner seeks to rely on a noting on the file which reads as “*on the basis of the photocopy of the document available on record the Appeal Committee is recommending the case*”. However, the said file also bears a later noting dated 08.02.2005, which reads as under:

“The member of the Committee (erstwhile) has not sign up above. In my opinion no clear proof of mfg. establishment of industrial unit is available on record for establishing that unit was set up prior to 19.04.96. However, original of electricity bill dt.23.02.96 (K. No. 1420009) showing misuse seen by Committee along with the SCN dt 05.10.96. This should not construed to any recommendation by this Committee.”

12. It is at once apparent from the aforesaid facts that the present petition is highly delayed. The Limitation Act, 1963 may not strictly apply to petitions filed under Article 226 of the Constitution of India; but, it is well settled that a litigant who has inordinately delayed seeking recourse to his remedies, ought not be entertained.

13. In the present case, there is no credible explanation for delay in approaching this court. And the petition is liable to be rejected on this ground alone.

14. It is also seen that more than three decades have passed since the industrial units were closed down. It would not be apposite to consider the question of rehabilitating the same at this belated stage.

15. In view of the above, this Court does not consider it apposite to entertain the present petition. The petition is, accordingly, dismissed.

16. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

OCTOBER 22, 2018
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