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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9967/2018**
NARESH KUMAR AND ORS.

..... Petitioners

Through: Mr.Braj Kishore Ray & Mr.Narender
Kumar Chaudhary, Advs.

versus

DELHI METRO RAIL CORPORATION AND ORS.

..... Respondents

Through: Mr.Tarun Johri & Mr.Ankit Saini,
Advs. with Mr.Sushant Tripath, LO
for R-1.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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21.01.2020

CM APPL. 48174/2019

1. The Writ Petition had been filed by the petitioner seeking compensation for the unfortunate death of his son on 06.09.2014.
2. Before filing the present petition, the petitioner had filed another petition, being WP (C) 9109/2014 seeking similar relief. The same was dismissed as withdrawn on 22.12.2014 on a statement made by the respondent no. 1 that the Claims Commissioner under Section 48 of the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (hereinafter referred to as the 'Act') has been appointed and that the petitioners could prefer their claim before the Claims Commissioner.
3. The petitioner filed its claim before the Claims Commissioner on 07.08.2015.

4. The petition thereafter filed the present petition *inter alia* contending that the said claim was not being considered by the Claims Commissioner.

5. On 24.09.2018, the learned counsel for the respondent no. 1 stated that one Shri T.N Tiwari has taken charge as Claims Commissioner with effect from 10.05.2018 and is considering claims of various claimants. He assured the Court that the petitioner's claim would be taken by him in its turn. In view of the statement made, the petitioner withdrew the present petition with liberty to approach the Claims Commissioner.

6. The respondent no. 1 thereafter filed an application being CM No. 51872/2018, pointing out that the Claims Commissioner had, infact, not been appointed but only recommended for such appointment and, infact by an order dated 04.12.2018 passed by this Court in WP (C) 11101/2018, this Court had granted three weeks time to the Ministry of Housing and Urban Affairs to notify the appointment of the Claims Commissioner.

7. The petitioner has thereafter filed the present application praying for the restoration of the Writ Petition *inter alia* contending that the Claims Commissioner had not been appointed in spite of assurance and therefore, the complaint has not been taken up for consideration.

8. This Court by an order dated 20.11.2019 had directed the respondent no. 1 to file an affidavit disclosing the number of cases that have been listed and being considered and dealt with by the Claims Commissioner, including how the claim of the petitioners have been dealt with for the last one year. In compliance to the said order, the respondent no. 1 has filed an affidavit *inter alia* contending therein that there are in all 13 claims filed before the Claims Commissioner and all of them are at the stage of completion of pleadings. As far as the claim filed by the petitioners is concerned, the same was also

stated to be at the stage of completion of pleadings. This shows the abysmal state of affairs of proceedings before the Claims Commissioner.

9. Today the learned counsel for the respondent no. 2 submits that the tenure of Shri T.N Tiwari has expired on 16.01.2020 and a request has been sent to the Ministry of Housing and Urban Affairs for granting extension of his tenure by a further period of one year. He submits that the decision of the Ministry in this regard is awaited.

10. It is noted that the claim petition of the petitioner has been pending adjudication since the year 2015. Section 48 of the Act is also to ensure speedy adjudication of such claim petitions. As noted hereinabove, the claim petition is still at the stage of completion of pleadings though more than 4 years have passed.

11. In view of the above, the Ministry of Housing and Urban Affairs is directed to take a decision on the appointment of the Claims Commissioner as expeditiously as possible.

12. A copy of this order would be forwarded by the respondent no. 1 to the Ministry within a period of one week from today for due compliance.

Relist on 20th March, 2020.

Dasti.

NAVIN CHAWLA, J

JANUARY 21, 2020/rv