

\$~31

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

+ W.P.(C) 13964/2018

ZIAUL ISALM

..... Petitioner

Through: Mr Kirti Uppal, Sr. Advocate with Mr
Nazim Uddin Ahmed and Mr Amar
Ali Khan, Advocates.

versus

INDIA OIL CORPORATION LTD & ORS Respondents

Through: Ms Mala Narayan with Ms Neha
Dawar, Advocates for IOCL.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

21.12.2018

CM No. 54678/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 13964/2018 & CM No. 54679/2018

2. The petitioner has filed the present petition, *inter alia*, impugning the approval dated 07.07.2000 granted by respondent no. 1 (IOCL) to the Partnership Agreement executed between respondent nos.2 (Mr Mashkoorul Islam) and 3 (Ms Tahira Choudhry).

3. The said Partnership Agreement was entered into on 09.05.1994. Thereafter, on 25.02.1995, a Lease Agreement was executed by respondent no.2 in favour of respondent no.3.

4. The reconstitution of the dealership was approved by respondent no.1 on 07.07.2000.

5. The petitioner has filed the present petition assailing the same after almost 18 years have elapsed.
6. Although, the Limitation Act, 1963, does not *sensu stricto* apply to petition under Article 226 of the Constitution of India. Nonetheless, it is well settled that the substratal principles are applicable to all proceedings before the Court. It is well settled that the Courts do not lend assistance to the parties who have failed to agitate their rights within reasonable time.
7. This Court is of the view the apart from other issues, this petition is hopelessly barred by limitation and latches.
8. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

DECEMBER 21, 2018
MK