

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-50-2019(O&M)
Date of decision: 11.01.2019

Harsh Behal ... Appellant
Versus
Union of India and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Jarnail S. Saneta, Advocate, for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra-court appeal filed under Clause X of the Letters Patent is directed against the judgment and order dated 09.09.2016 passed by the learned Single Judge dismissing the writ petition filed by the appellant herein challenging the rejection of his application for award of LPG Distributorship.

Office has reported a delay and laches of 794 days in filing the appeal. The explanation submitted for this inordinate delay as contained in Section 5 application is that since the appellant had filed another writ petition bearing CWP No.21888 of 2014 challenging the letters issued by the respondent-Corporation rejecting his claim for allotment of LPG Distributorship on the ground that lease of the land offered was less than 15 years and was very hopeful of being successful in the said case as such he did not choose to challenge the order which is now impugned herein passed by the learned Single Judge. It is further stated that Civil Writ Petition No.21888 of 2014 was dismissed on 14.05.2018 and the review application has also been dismissed on 24.09.2018. Thereafter, since it had become

necessary to challenge the order dated 09.09.2016, passed by the learned Single Judge, rendered in Civil Writ Petition No.18743 of 2016, the present LPA has been filed. Further fact which needs to be highlighted is that the writ petition in question, out of which this appeal arises, was filed with the following categorical averments in paragraph 13 thereof:

“30. That petitioner has not filed such or similar petition before this Hon’ble Court or in Hon’ble Supreme Court of India except CWP No.21888 of 2014 which is rendered infructuous as the respondents have admitted and removed the objection regarding 15 years minimum period of lease and have raised fresh cause of action on new objection by the impugned letter dated 12.08.2016.”

Once this specific stand was taken by the appellant herein at the time of filing of the writ petition, it does not lie in his mouth that he kept on waiting for three years for disposal of Civil Writ Petition No.21888 of 2014, which according to him was rendered infructuous.

In our considered opinion, an inordinate delay of more than two years is not liable to be condoned on such false and irrelevant considerations. The delay condonation application, under Section 5 of the Limitation Act, lacks bonafides and does not give sufficient cause to condone the delay in filing the appeal and accordingly stands dismissed. The main appeal is also dismissed being barred by limitation.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

11.01.2019
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO