

\$~5

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

+ LPA 19/2019 & CM APPL. 1383/2019

CHURCHIT SADH & ANR Appellants

Through: Ms. Charu Tyagi, Adv.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Abhay Prakash Sahay, CGSC for
UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **06.02.2019**

CM APPL. 1383/2019 (*delay*)

In view of the reasons stated in the application, delay in filing the appeal is condoned.

The application stands disposed of.

LPA 19/2019

1. Seeking exception to an order passed by the learned writ court on 25.07.2018 in W.P.(C) 4611/2018 dismissing the writ petition filed by the appellant and refusing a prayer for condoning the delay in filing of FDR under the Condonation of Delay Scheme - 2018 (CODS - 2018), this appeal has been filed under Clause 10 of the Letters Patent.

2. Under the statutory scheme of 2018, the appellant was required to deposit statutory fee as Fixed Deposit Receipt in terms of various orders. Under the scheme itself, the same was to be done on or before 31.03.2018 which was the last date for applicability of the scheme. However, the date

was subsequently extended to 30.04.2015. The appellant did not take any steps to avail benefit under the scheme during the period the scheme was in operation. The writ petition was filed at a belated stage after the scheme became inoperational on 01.05.2018 and the appellant was granted one more opportunity to avail of the benefit of the scheme upto 15.05.2018. The appellant failed to avail of the benefit and when further extension was refused by the learned writ court, this appeal has been filed.

3. Once the scheme had itself come to an end and the appellant did not avail of the benefit by taking advantage of the scheme during its subsistence and when opportunity was granted to the appellant to avail of the benefit since 15.05.2018 further extension contrary to the provisions of the scheme i.e. to extend the date for deposit of the amount cannot be granted by a writ court exercising extraordinary jurisdiction under Article 226 of the Constitution of India. Only because the appellant had certain financial constraints which prevented him from availing benefit of the scheme within the due date, the learned writ court in refusing to extend the date for availing the benefit of the scheme has not committed any error which can be interfered with by this Court.

4. Accordingly, finding no ground, the appeal stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

FEBRUARY 06, 2019

kks