

\$~35

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

+ LPA 89/2019 & CM APPL.5981-5983/2019

GOVERNMENT OF NCT OF DELHI

..... Appellant

Through: Mr. Yeeshu Jain with Ms. Jyoti Tyagi
& Ms. Pratibha Gautam, Advs.

versus

BIMLA DEVI & ANR

..... Respondents

Through: Ms. Mrinalini Sen & Ms. Kritika
Gupta, Advs. for R-2/DDA

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **08.02.2019**

1. Seeking exception to an order passed by the learned writ court on 23.10.2017 in W.P.(C) 452/2017, this appeal has been filed under Clause 10 of the Letters Patent by the Government of NCT of Delhi.
2. Respondent herein filed the writ petition being aggrieved by a communication dated 16.12.2014 whereby a request for allotment of alternate plot was declined on the ground of delay. There seems to be a delay of 59 days in filing the application seeking allotment of alternate plot. The learned writ court took note of a judgment of this Court in the case of *Simla Devi v. Secretary & Ors.*, 140 (2007) DLT 474 wherein under similar circumstances delay of four months in filing the application seeking allotment of plot was condoned. Reliance was also placed on another judgment of a Division Bench in the case of *Government of NCT of Delhi v.*

Poonam Gupta, 226 (2016) DLT 269 wherein condoning the delay the Division Bench directed for considering the application on merit.

3. Today, we are informed that following the law laid down in the case of *Simla Devi* (supra), various Benches of this Court have issued directions for condoning the delay even to the extent of about one year and directed for deciding such applications on merit. The judgments on the issue are LPA Nos.138/2017 and 139/2017 titled *GNCTD v. Sanjay & Ors.* wherein it was held that a liberal attitude should be adopted in these cases and merely on the ground of delay, the delay in these cases were 921 days these were directed to be condoned. Thereafter, on 22.03.2017 another Co-ordinate Bench of this Court in the case of *Govt. of NCT of Delhi v. Vijay Singh & Ors.*, LPA 188/2017 had condoned the delay of 191 days in filing the application and following the judgment in the case of *Sanjay & Ors.* (supra) directed for deciding the application on merit.

4. Keeping in view the consistent view of this Court in identical matters, we see no reason to make any indulgence into the matter when following various judgments of this Court, the learned Single Judge has only directed for deciding the application on merit by condoning the delay of 59 days in filing of the application.

5. Accordingly, finding no ground to interfere, the appeal stands dismissed. The pending applications also stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

FEBRUARY 08, 2019/ns