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

+ W.P.(C) 7611/2019

KARNAIL SINGH

..... Petitioner

Through: Mr Gurman Chahal, Advocate.

versus

THE COMPETENT AUTHORITY NDPS ACT
NEW DELHI

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.07.2019

CM No.31664/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 7611/2019 & CM No.31663/2019

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 01.08.2018 passed by the Tribunal for forfeited properties in appeal bearing no.FPA-ND-129/DLI/2018, titled 'Karnail Singh v. the Competent Authority of Delhi'. The said appeal was preferred against an order dated 09.03.2017 passed by the Competent Authority, under the Narcotic Drugs and Psychotropic Substances Act, 1985, whereby the petitioner's properties had been forfeited.

3. The appeal preferred by the petitioner under Section 68U of the said Act had been rejected by the impugned order on the ground that it was

beyond the period of limitation. Section 68-O(1) of the said Act reads as under:-

“68-O. Appeals.—(1) [Any officer referred to in sub-section (1) of section 68E or any person aggrieved by an order of the competent authority] made under section 68F, section 68-I, sub-section (1) of section 68K or section 68L, may, within forty-five days from the date on which the order is served on him, prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.”

4. In view of the above, the Tribunal concluded that it had no power to condone the delay in filing the appeal and, therefore, declined to entertain the same. The issue whether the Tribunal has the power to condone delay beyond the period of sixty days has been settled by this Court (see: ***Omaxe Buildhome Ltd. v. Union of India & Anr.: W.P.(C) 1722/2019, decided on 19.02.2019***), as well as the Full Bench of the Tribunal in ***Shri Bira Ram v. Competent Authority (Appeal bearing no. FPA-ND-79/DLI/2016)***.

5. This Court finds no infirmity with the impugned order. The petition is unmerited and, accordingly dismissed. The pending application is disposed of.

VIBHU BAKHRU, J

**JULY 17, 2019
MK**