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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 456/2019 & CM APPL. 31651-31654/2019**

NARENDRA JHA Appellant
Through Appellant in person.

versus

DEPARTMENT OF SCIENCE &
TECHNOLOGY Respondent
Through Mr. Ravi Prakash, CGSC, Mr.
Farman Ali, Mr. Aman Malik, Mr.
Shahan-Ullar, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER
% **17.07.2019**

CM APPL. 31651/2019, CM APPL. 31652/2019 & CM APPL. 31653/2019 (exemptions).

1. Allowed, subject to all just exceptions.

LPA 456/2019 & CM APPL. 31654/2019 (by the appellant for condonation of delay of 583 days in filing the accompanying appeal from the date of filing the impugned judgment dated 13.11.2017).

2. The present appeal has been filed by the appellant who is aggrieved by the order dated 13.11.2017, dismissing a petition filed by him (W.P.(C)No.10020/2017) for directing the Department of Science and Technology, Government of India to provide him financial and technological assistance in respect of his project entitled "Existence of life in

Universe.” Accompanying the appeal is an application for seeking condonation of delay of 583 days in filing the appeal. The only explanation offered by him for the delay of 583 days in filing the present appeal is that he has no knowledge of the format of a LPA or the manner of drafting a petition and had to depend on various sources for assistance.

3. It is pertinent to note that this is not the first litigation that the appellant has filed on the same cause of action, as was agitated by him in W.P.(C) No.10020/2017. A decade and a half before filing the said petition, in the year 2001, the appellant had filed W.P.(C) No. 3617/2001, praying *inter alia* for issuing directions to the Department of Science and Technology, Government of India for providing him financial assistance in respect of a project entitled “Existence of life in Universe”. The said writ petition was dismissed *in limine* as meritless vide order dated 24.08.2001. Dissatisfied with the dismissal order, the appellant had filed a Review Petition (CM No. 8483/2002) that was also dismissed by the learned Single Judge vide order dated 28.08.2002, with costs of Rs.5,000/-.

4. Aggrieved by the dismissal of W.P.(C) No. 3617/2001, the appellant had filed an intra court appeal numbered as LPA 881/2002, which was also dismissed by the Division Bench vide order dated 20.11.2002. After a gap of 16 years, the appellant preferred an application in the captioned appeal, in the year 2017 praying *inter alia* for permission to place on record documents in support of the proposal that was submitted by him to the respondent/Union of India in respect of the same project, which was disallowed. Simultaneously, he had filed a review petition for seeking

review of the order dated 20.11.2002. The said application was accompanied by an application for seeking condonation of delay of 4738 days. The said application was rejected by the Division Bench vide order dated 20.11.2002, by observing that the appellant had waited for over 15 years before approaching the writ Court, and had filed the review petition after a delay of 4738 days without explaining the causes and the circumstances due to which such a long delay had taken place. This put an end to the first round of litigation.

5. The second round of litigation was commenced by the appellant in the year 2017, when he again approached the High Court by filing W.P.(C)No.10020/2017, praying *inter alia* for directions to the respondent/Union of India to provide him appropriate finance for the very same project that he had referred to in the earlier petition. Vide order dated 13.11.2017, the said petition was dismissed by the learned Single Judge *in limine* on the ground that since an earlier writ petition filed by the appellant for the same relief had been dismissed and the said order had attained finality on the Division Bench rejecting his appeal, he could not be permitted to re-agitate the same issue repeatedly. Dissatisfied with the aforesaid order, the appellant has filed the present appeal along with an application for condonation of delay of 538 days.

6. There is no justification for condoning the delay of 538 days only on the ground that the appellant is appearing in person and is purportedly not well versed with legal proceedings. On the contrary, the facts noted above show that the appellant has been regularly litigating in person and is quite

familiar with the entire process. Even on merits, we see no reason to interfere in the impugned order that has rightly noted that the appellant cannot be permitted to re-agitate the same issue time and again. Once the appeal (LPA No.881/2002) filed by the appellant against the order dated 24.08.2001, passed in the earlier writ petition filed by him (W.P.(C) No.3617/2001) came to be dismissed by the Division Bench vide order dated 20.11.2002 and he did not prefer an appeal against the said order, no fresh petition can lie in respect of the same cause of action.

7. For the reasons noted above, we decline to condone the delay. Resultantly, the present appeal is dismissed *in limine* along with the pending applications.

HIMA KOHLI, J

ASHA MENON, J

JULY 17, 2019/MK