

LPA-346-2022(O&M)

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

LPA-346-2022(O&M)
Date of decision: 04.05.2022

Vijender Singh

...Appellant

Versus

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. A.K. Viridi, Advocate,
for the appellant.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed by the appellant-petitioner being aggrieved by an order dated 31.03.2022, passed by the learned Single Judge in CWP-6726-2022, whereby his writ petition, for release of payment of Rs.2,05,265/-, has since been dismissed on the ground of delay and latches.

Learned counsel for the appellant submits that the appellant had undertaken the work for the respondent authorities for the years 2011-12 and 2014-15, and incurred expenses of Rs.2,05,265/-. He referred to a letter, dated 22.8.2017 (Annexure P-5), written by Executive Engineer, OP City Divn. DHBVN, Bhiwani, to the Superintending Engineer, OP Circle, DHBVN, Bhiwani, and submits that the payment vouchers are still pending with the respondent authorities, but not even a single penny has been paid to the appellant to date. It is urged that the appellant had even served the

respondent authorities with a legal notice dated 20.8.2019 (Annexure P-1), but to no avail. In such circumstances and as the claim of the appellant has not been denied by the authorities, the petition could not have been dismissed on the ground of delay and latches.

We have heard the learned counsel for the appellant and perused the records.

It is an undisputed fact that the work undertaken by the appellant was for the years 2011-12 and 2014-15. On perusal of the records, it is evident that though the appellant had submitted a legal notice on 20.8.2019, but neither before nor thereafter, he took any step to pursue his claim. He approached this Court in March 2022, vide a writ petition, that has since been dismissed, vide impugned order and judgment. When specifically asked about the period of limitation prescribed in law for filing a suit for recovery, learned counsel for the appellant fairly states that the limitation for filing such a suit is three years. However, as the matter was pending with the authorities, no steps were required to be taken by the appellant in this regard.

In the given circumstances, we are of the considered opinion that the appellant was required to take necessary steps for recovering the amount in question, within the reasonable period of time. But he has not done so. There is nothing on record to indicate, as to what prevented him either from approaching this Court in time by filing a writ petition or the civil court by filing a suit for recovery. Further, it is not established that the amount in question has ever been admitted by the authorities. In this regard, the appellant is relying upon a letter (Annexure P-5), which is only an inter-departmental communication and cannot be construed to be an acknowledgment as regards the amount due to the appellant. Thus, it is apparent that the claim of appellant suffers from delay and latches, and in

such circumstances, his writ petition has rightly been dismissed by the learned Single Judge. It is a settled proposition of law that the petitions suffering from such a long, inordinate and unexplained delay cannot be entertained, as has been held by the Supreme Court in the case of **Union of India and others V. N. Murugesan and others, (2022) 2 SCC 25**, wherein it has referred to the decisions in the cases of: **U.P. Jal Nigam V. Jaswant Singh, (2006) 11 SCC 464**; **State of Karnataka V. S.M. Kotrayya, (1996) 6 SCC 267**; **Jagdish Lal V. State of Haryana, (1997) 6 SCC 538**; **Union of India V. Virpal Singh Chauhan, (1995) 6 SCC 684**; **Union of India V. C.K. Dharagupta, (1997) 3 SCC 395**; **State of W.B. V. Tarun K. Roy (2004) 1 SCC 347**; **State of W.B. V. Debdas Kumar, 1991 Supp (1) SCC 138**; **Eastern Coalfields Ltd. V. Dugal Kumar, (2008) 14 SCC 295**; **Tilokchand Motichand V. H.B. Munshi, (1969) 1 SCC 110**; **Rabindranath Bose V. Union of India, (1970) 1 SCC 84**; **State of J&K V. R.K. Zalpuri, (2015) 15 SCC 602**; **City & Industrial Development Corpn. V. Dosu Aardeshir Bhiwandiwalla, (2009) 1 SCC 168**; **Karnataka Power Corpn. Ltd. V. K. Thangappan, (2006) 4 SCC 322**; **State of M.P. V. Nandlal Jaiswal, (1986) 4 SCC 566**; **State of Maharashtra V. Digambar, (1995) 4 SCC 683**; **Chennai Metropolitan Water Supply & Sewerage Board V. T.T. Murali Babu, (2014) 4 SCC 108**; **Tukaram Kana Joshi V. MIDC, (2013) 1 SCC 353**; **Durga Prashad V. Controller of Imports & Exports, (1969) 1 SCC 185**; **LAO V. Katiji, (1987) 2 SCC 107**; **Dehri Rohtas Light Railway Co. Ltd. V. District Board, Bhojpur, (1992) 2 SCC 598**; **Dayal Singh V. Union of India, (2003) 2 SCC 593**; and **Shankara Coop. Housing Society Ltd. V. M. Prabhakar, (2011) 5 SCC 607**.

In the wake of the above, we do not find any illegality and perversity in the judgment rendered by the learned Single Judge. Thus, the appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.05.2022
AK Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No