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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6559/2023**
SANJU & ORS.Petitioners

Through: Mr. Umesh Kumar, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents
Through: Mr. Mayank Negi, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
14.11.2024

1. The Petitioners are family members of Late Sh. Santosh Kumar, who passed away in an unfortunate road accident on 17th March, 2018. On 10th September, 2018, an un-traced Detailed Accident Report¹ was accepted by the Motor Accident Claims Tribunal² and liberty was granted to the Petitioners to approach the New Delhi District Legal Services Authority³ for grant of compensation under the Victim Compensation Scheme. The un-traced DAR was also accepted by the Metropolitan Magistrate on 5th October, 2018 and again liberty was granted to the Petitioners to approach the NDDLISA for grant of compensation as per law.
2. On 5th January, 2022, the Petitioners filed an application under Section 357A (4) of the Code of Criminal Procedure, 1973⁴ before the

¹ "DAR"

² "MACT"

³ "NDDLISA"

⁴ "CrPC"



NDDLSA for grant of compensation. However, the Petitioners' request was rejected *vide* order dated 14th November, 2022 on the ground of limitation as provided in the Point 17, Part-I of the Delhi Victim Compensation Scheme, 2018 - which is set as three years from the date of occurrence of the offence or conclusion of trial. Aggrieved, the Petitioners have approached this Court under Article 226 of the Constitution, seeking quashing of the said order passed by NDDLSA.

3. The Petitioners contend that while passing the impugned order, the NDDLSA failed to consider that the period of limitation for the Petitioners' claim ended in 2021 during the COVID-19 pandemic, when the limitation period was suspended from 15th March, 2020 till 28th February, 2022, for all proceedings, applications, suits and appeal by the Supreme Court in the judgment in *Suo Moto writ petition (C) No. 3/2020* titled ***In Re: Cognizance for Extension of Limitation***⁵.

4. Therefore, the Petitioners urge that if period of limitation is construed from the date of order passed by the Metropolitan Magistrate – i.e., 05th October, 2018 their application cannot be deemed as time barred. Further it is contended that even if there was some *bona fide* delay on the part of the Petitioners' in approaching NDDLSA, it ought to have been condoned by them since the Delhi Victim Compensation Scheme, 2018 is a beneficial scheme which should not be denied to the Petitioners on the ground of limitation.

5. The Court has considered the contentions of the parties. The Supreme Court in *In Re: Cognizance for Extension of Limitation* has categorically held that in computing the period of limitation for any suit, appeal,



application or proceedings during the period from 15th March 2020 to 28th February, 2022 shall stand excluded on account of the COVID-19 pandemic. Thus, it is clear that the Petitioners' claim for grant of compensation ought to have been considered by NDDLSA in light of the above decision and should not have been dismissed on the grounds of limitation.

6. In light of the above, the present writ petition is allowed and the impugned order dated 14th November, 2022 passed by Respondent No. 2 – NDDLSA in file No. NDDLSA/06/SPL/Jan/2022, FIR No. 113/18, u/s 279/304-A IPC registered with PS Vasant Kunj South, New Delhi, is set aside and the matter is remanded back to Respondent No. 2 - NDDLSA for fresh consideration, in accordance with law.

7. It is made clear that Respondent No. 2 - NDDLSA shall consider the Petitioners' request in light of the observations made hereinabove.

8. With the above directions, the present writ petition is disposed of.

SANJEEV NARULA, J

NOVEMBER 14, 2024

as

⁵ (2022) 3 SCC 117