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

+ **LPA 372/2024**

RAJIV DUTT

..... Appellant

Through: **Mr. Raghuvendra Mohan Bajaj and
Mr. Shagun Agarwal, Advocates**

versus

THE MANAGEMENT OF M/S HINDUSTAN LEVER LTD.

..... Respondent

Through: **None**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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09.05.2024

CM APPL. 27510/2024 (exemption)

1. Allowed, subject to just exceptions.

2. The application is disposed of.

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3. The present appeal under Clause 10 of the Letters Patent Appeal read with Section 10 of the Delhi High Court Act, 1966 seeks to assail the order dated 22.10.2021 passed by the learned Single Judge in W.P.(C) 13761/2019, as also the order dated 14.03.2024, vide which his review petition has been dismissed by the learned Single Judge, by awarding him a sum of Rs. 1,50,000/- towards litigation expenses.

4. We find that vide the impugned order, the learned Single Judge has dismissed the writ petition on the ground of delay and laches. By way of his writ petition filed on 23.12.2019, the appellant was seeking to assail an award dated 18.02.2008 passed by the learned Labour



Court, whereunder his claim was rejected. We find that the learned Single Judge has dismissed the appellant's writ petition after observing that the appellant had failed to justifiably explain the inordinate delay of about 11 years in challenging the award.

5. Before the learned Single Judge, the explanation for this inordinate delay of 11 years as provided by the appellant in his affidavit was that in 2007 he had to go to Jakarta to look after his ailing father where he suffered a brain stroke in the year 2011. While he was undergoing treatment in Jakarta, he suffered yet another stroke in 2014, and then again in 2017. The learned Single Judge observed that this explanation was not sufficient to explain either the appellant's non prosecution of the proceedings before the learned Labour Court from 2007 till the passing of the award, or his non-challenge to the award till December 2019, especially when the award had been rendered on 18.02.2008, when the appellant was admittedly not suffering from any ailment.

6. Before us, learned counsel for the appellant prays that since the delay in filing the writ petition was not deliberate or intentional, this Court may consider the matter sympathetically and grant an opportunity to the appellant to challenge the award on merits. Having given our thoughtful consideration to this plea and perused the record, we fail to appreciate as to how such a gross delay can be condoned, especially when the explanation furnished by the appellant in itself shows that he had taken no steps to enquire about the ongoing proceedings before the learned Labour Court from 2007 till 2019.



7. For the aforesaid reasons, we find no reason to interfere with the impugned order. The appeal being meritless is, accordingly, dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 9, 2024/So