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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 598/2022, CM APPL. 45223/2022 –Int. dir., CM APPL.
31454/2024 –Dir. (A). Replies not filed by R-1.
A R PACKING INDUSTRIES THROUGH ITS PROPRIETOR SH
ANIL KUMAR SHARMAAppellant
Through: Mr. N.N. Joshi, Mr. R. Gowrishankar
and Ms. G. Dhivyasri, Advocates

versus

DELHI STATE INDUSTRIAL AND INFRA DEV CORPORATION
LTDRespondent
Through: Ms. Richa Dhawan, Mr. Anuj
Chaturvedi and Ms. Harshita
Maheshwari, Advocates.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
25.10.2024

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1. The letters patent appeal under Clause 10 of the Letters Patent of the High Court of Judicature at Lahore as applicable to this Court seeks to assail the order dated 15.09.2022 passed by the learned Single Judge in W.P.(C) No.13380/2022. Vide the impugned order, the learned Single Judge has dismissed the writ petition as (vide the writ petition filed in August 2022, the appellant was seeking quashing of the cancellation order dated 22.11.2018) which is *ipso facto* barred by laches.
2. Learned counsel for the appellant submits that the learned Single Judge while rejecting the writ petition on the ground of delay has failed to appreciate that the delay, if any, on the part of the appellant was only for the period between 22.11.2018 to 15.03.2020 since the period subsequent



thereto was required to be excluded pursuant to the order dated 23.03.2020 passed by the Hon'ble Supreme Court (*suo moto*) in W.P.(C) No.3/2020.

3. Learned counsel for the respondent is not in a position to deny that the period between the 15.03.2020 to 28.02.2022 was required to be excluded for the purposes of computing limitation as per the Hon'ble Supreme Court.

4. In light of this stand taken by the respondent, we are of the view that the approach adopted by the learned Single Judge was incorrect. Taking into account that the orders passed by the Hon'ble Supreme Court in W.P.(C) No.3/2020, delay on part of the appellant in approaching the writ court could not be said to be so gross to qualify as being barred by laches.

5. We, therefore, set aside the impugned order and remand the writ petition for fresh adjudication as per law.

6. List the W.P.(C) No.13380/2022 on 18.11.2024 before the Roster Bench for further proceedings as per law.

7. It is, however, made clear that this Court has not expressed any opinion on the merits of the matter.

8. The appeal, alongwith the accompanying pending applications, stands disposed of.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 25, 2024/So