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

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Decision delivered on: 09.08.2024+ **RFA(COMM) 323/2024 & CM APPL. 45854-45857/2024****PRASHANT KUMAR SINHA**

.....Appellant

Through: Mr Anupam Lal Das, Mr Shoumendu Mukherji, Mr Anirudh Singh, Ms Megha Sharma and Ms Akanksha Gupta, Advs.

versus

INDIAN STATISTICAL INSTITUTE & ORS.Respondents

Through: Ms Bharathi Raju, Senior Panel Counsel for R-1 to 6/UOI.

CORAM:**HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):****CM No.45855/2024**

1. Allowed, subject to just exceptions.

RFA(COMM) 323/2024, CM Nos.45854/2024 & 45856-57/2024

2. This appeal is directed against the judgment and decree dated 14.12.2023 passed by Mr Sanjeev Kumar Aggarwal, learned District Judge (Commercial Court)-01, Central, Tis Hazari Courts, Delhi.

3. *Via* the impugned judgment, the trial court has ended up dismissing the suit action instituted by the appellant/plaintiff, on the ground of limitation.

3.1 The impugned judgment was rendered on an application moved by respondents no.2,3 and 4/defendants no.2,3 and 4 under Order VII Rule 11 read with Order XIV Rule 2 of the Code of Civil Procedure, 1908 [in short,



“CPC”].

4. The appellant/plaintiff contends that a fresh cause of action arose in his favour when, pursuant to the order passed by the Central Information Commissioner (CIC), a Committee was constituted to examine the allegation made by him that respondents no.2 and 4/defendants no.2 and 4 had plagiarized the appellant's/plaintiff's dissertation submitted to respondent no.1/Institute, and presented it at the Asian International Mobile Computing Conference [hereafter referred to as “AMOC”] held at Kolkata.

4.1 The appellant/plaintiff also avers that although he became aware of the factum of plagiarism carried out by respondents no.2 and 4/defendants no.2 and 4 in and about October 2006, a fresh cause of action arose when respondent no.1/Institute provided a marked copy of the Initial Draft Paper (IDP) on 13.08.2015.

5. Concededly, even according to the appellant/plaintiff, he had become aware of the alleged plagiarism in October 2006, when he had found out about the publication on the internet.

5.1 Thereafter, the appellant/plaintiff lodged a complaint with the Coordinator of AMOC on 14.10.2008. On the same date, i.e., 14.10.2008, the appellant/plaintiff wrote to the Director of respondent no.1/Institute requesting a probe against “erring person(s)”.

5.2 The record discloses that respondent no.3/defendant no.3, as the Editor of the AMOC, responded to the complaint on 06.12.2008, concluding that the charges of plagiarism levelled against respondents no.2 and 4/defendants no.2 and 4 had no basis. This conclusion was arrived at after verifying “other documentary evidences” purportedly received from respondents no.2 and 4/defendants no.2 and 4.



5.3 Likewise, respondent no.1/Institute, through respondent no.5/defendant no.5, wrote to the appellant/plaintiff on 09.01.2009, with comments from respondent no.2/defendant no.2, that parts of appellant's/plaintiff's dissertation were taken from papers 'P1', 'P2' authored by respondents no.2 and 4/defendants no.2 and 4, and the IDP. This communication also noted that the allegation of plagiarism had no basis.

5.4 On 04.03.2009, the appellant/plaintiff wrote back to respondent no.1/Institute requesting that the markings made in the papers 'P1' and 'P2' and the Initial Draft Paper based on which the letter dated 09.01.2009 was written be provided to him so that he could reply to the claims made in the communication dated 09.01.2009.

5.5 It appears that the appellant/plaintiff also responded to respondent no.3's/defendant no.3's communication on 16.03.2009. In his response, the appellant/plaintiff stated that he did not accept the conclusion arrived at by respondent no.3/defendant no.3.

5.6 The appellant/plaintiff also wrote to the Registrar, Jadavpur University on 23.04.2009 seeking a probe and cancellation concerning the alleged plagiarised publication.

5.7 It appears that the appellant/plaintiff also took steps under the Right to Information Act, 2005 [in short, "RTI Act"] to obtain necessary documents and information. This process culminated in the appellant/plaintiff approaching the Chief Information Commissioner [CIC].

5.8 The CIC, *via* order dated 19.06.2017, issued certain directions to respondent no.1/Institute. The operative part of the directions issued by the CIC on which reliance is placed by the appellant/plaintiff is set forth



hereafter:

*“10. Prevention of misconduct is the general responsibility of the public authority. The Institute should have acted upon the complaint and informed him whether his complaint was considered to be taken up for inquiry or was rejected, if so the reasons thereof; if inquiry was ordered, what is the status of that inquiry. Based on the contentions of the parties the Commission assumes that there is no such inquiry. **Hence, the Commission exercising its powers under Section 18(2) of RTI Act, direct the public authority to conduct an inquiry into the matter and send the report to this Commission.***

11. The Commission also directs the respondent authority to provide the copy of the 'original' paper allegedly published in 2003, to the appellant along with the statement of the Director of Institute on this subject. The Director is also directed to explain why the ISI should not be ordered to pay compensation to the appellant who was denied the information sought. All the responses shall reach within 30 days from date of receipt of this order. Disposed of.”

[Emphasis is ours]

6. In compliance with the direction of the CIC, respondent no.1/Institute constituted a Committee to examine the allegations made by the appellant/plaintiff with regard to the accusation of plagiarism levelled against respondents no.2 and 4/defendant no.2 and 4.

7. The findings of the Committee were communicated by respondent no.1/Institute to the Information Commissioner via letter dated 20.07.2017 wherein, amongst other things, it informed the Information Commissioner that the allegations made by the appellant/plaintiff, “in the context of Plagiarism are completely unfounded”.

7.1 On 24.07.2017, respondent no.1/Institute furnished documents to the appellant/plaintiff, in compliance with CIC’s direction, which included the findings of the Committee.

8. It appears that the appellant/plaintiff pursued the matter further under the RTI Act. On 16.11.2017, the appellant/plaintiff preferred an application



with the CIC for certain documents.

8.1 On 17.07.2018, the CIC directed respondent no.1/Institute to provide marked 'P1' and 'P2' papers and the appellant's/plaintiff's marked dissertation.

8.2 These documents were furnished to the appellant/plaintiff by respondent no.1/Institute on 04.09.2018.

9. The appellant/plaintiff, as indicated right at the beginning, seeks to take recourse to the events which led to the constitution of the Committee and the finding returned thereafter by the said Committee, to contend that a fresh cause of action had arisen in favour of the appellant/plaintiff.

9.1 The appellant/plaintiff further contends that since the limitation period [if calculated from the date when the Committee returned its findings] ended during the period when COVID-19 had kicked in, it got extended by virtue of orders passed by the Supreme Court in *suo motu* writ petition bearing *Suo Motu* W.P.(C) No.3/2020. In effect, it is stated that limitation stood extended till the end of July 2022.

10. Concededly, the suit was filed by the appellant/plaintiff on 04.07.2022.

11. In our view, the orders of the CIC and the consequent constitution of the Committee and its deliberations/findings rendered could not have supplied a fresh cause of action to the appellant/plaintiff.

11.1 The cause of action arose in favour of the appellant/plaintiff when he first became aware of the factum of alleged plagiarism by respondents no.2 and 4/defendant no.2 and 4.

11.2 Admittedly, the appellant/plaintiff gained knowledge about the same in October 2006. Therefore, the suit is woefully beyond limitation.



12. We may, in passing, also note that the appellant/plaintiff had lodged a complaint *qua* respondent no.4/defendant no.4 with the Cardiff University, United Kingdom (UK) at a point in time, when respondent no.4/defendant no.4 was engaged as a Research Associate in the said University. Concededly, the appellant/plaintiff received a response from the grievance cell of Cardiff University which, *inter alia*, had indicated that although the complaint did fall under its purview, it had the issue examined and found that there was no case to answer.

13. Thus, having regard to what is indicated hereinabove and noted in the impugned judgment, we find no merit in the appeal.

14. The appeal is, accordingly, dismissed. There shall, however, be no order as to costs.

15. Consequently, the pending applications shall stand closed.

16. Parties will act based on the digitally signed copy of the judgment.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 9, 2024/aj