



2024:DHC:2909



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **RSA 7/2024****DELHI DEVELOPMENT AUTHORITY** AppellantThrough: Ms. Monaki Tripathy, Standing
Counsel with Mr. Ashutosh Kaushik and Mr.
Rony John, Advs.

Versus

SHEELA DEVI AND ORS Respondents

Through:

CORAM:**HON'BLE MR. JUSTICE C.HARI SHANKAR****JUDGMENT (ORAL)**

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09.04.2024**CM APPL. 21373/2024 (for condonation of delay of 742 days in
filing) in RSA 7/2024**

1. This application seeks condonation of delay in filing RSA 7/2024.

2. The application computes the delay as 742 days. This is incorrect. The impugned order was passed on 25 July 2019. Even granting the benefit of the maximum condonable period of delay, the time for filing this appeal elapsed some time in November 2019. The appeal came to be filed on 19 October 2023. The delay is, therefore, almost of four years, and not of 742 days, as is averred in the application.

3. Ms. Tripathy submits that, in computing the period of delay as 742 days, the appellant excluded the period of the COVID 19 pandemic, on the basis of the order passed by the Supreme Court in *in*

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Re: Cognizance for Extension of Limitation¹.

4. This exclusion is also obviously erroneous. The benefit of the order dated 23 March 2020 in ***in Re: Cognizance for Extension of Limitation*** is applicable only where at least the extended period of limitation for filing the appeal expired after 15 March 2020. In the present case, the extended period for filing the appeal expired in November 2019. The orders passed by the Supreme Court in ***in Re: Cognizance for Extension of Limitation*** do not, in any way, exclude the period of the COVID 19 pandemic in such cases.

5. Even on facts, the application makes out no case for condonation of delay. As per the averments in the application,

(i) the file pertaining to the case was sent by the legal department of the appellant to the erstwhile panel lawyer on 11 November 2019 for drafting an appeal,

(ii) the lawyer sent the file to the legal department of the appellant for a meeting on 3 February 2020,

(iii) on 4 February 2020, the file was sent by the legal department to the Land Management, West Zone for verification,

(iv) on 21 February 2020, the file was sent by the Land Management to the legal department for correction in the draft appeal,



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(v) on 24 February 2020, the file was sent by the legal department to the erstwhile panel lawyer for carrying out corrections,

(vi) on 20 March 2020, the panel lawyer sent the file with the draft appeal to the Land Management/West Zone,

(vii) on 28 April 2020, the file was sent by the Land Management, West Zone to the legal department,

(viii) on 8 June 2020, the file was again sent by the legal department to the panel lawyer (no reason is forthcoming for sending the file a second time to the panel lawyer),

(ix) on 11 December 2020, the file was sent back by the erstwhile panel lawyer to the department,

(x) on 13 April 2021, the file was sent by the Land Management/South West Zone to the legal department,

(xi) on 17 May 2021, the file was sent by the legal department to the Land Management/South West Zone,

(xii) on 16 November 2021, the file was sent by the Land Management/South West Zone to the erstwhile panel lawyer (this, therefore, is the third time the file was sent to the panel lawyer for which again there was no explanation),

(xiii) on 11 April 2022, the panel lawyer sent back the file to the legal department of the appellant,

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- (xiv) on 2 May 2022, the erstwhile panel lawyer resigned,
- (xv) on 12 May 2022, the file was again sent by the legal department to the Land Management “for departmental work”,
- (xvi) *exactly a year and two months thereafter*, the file was sent back by the Land Management/South West Zone to the legal management for departmental work (the nature of departmental work in both cases is not explained, nor is there any explanation as to why the file was languishing with the legal department for a year and two months between 12 May 2022 and 12 July 2023),
- (xvii) the file is stated thereafter to have mixed up with the bundles of dead files,
- (xviii) on 25 August 2023, the file was again sent by the legal department to the present panel lawyer for drafting the appeal and
- (xix) the appeal came to be filed on 19 October 2023.

6. This is a classic case of papers being pushed from one table to the other and condonation of delay being sought on that basis. There is absolutely no explanation as to what was being done with the file either by the department or by the erstwhile panel lawyer during this entire period. There is no explanation as to why the file was sent three times to the erstwhile panel lawyer, and in one case, retained by the panel lawyer for almost six months before it was sent back. There is

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no reasonable explanation why the file was remained with the legal department from 12 May 2022 till 12 July 2023, which was almost a year and two months.

7. If, in such circumstances, the Court is to adopt a lenient view to condone the delay, it would result in the statute of limitation being reduced to a dead letter. No doubt, the department is entitled to somewhat greater latitude in the matter of condonation of delay. However, the Court should not be seen as setting an example in which the file can needlessly be pushed from table to table and circulated from official to official for four years, sanguine in the belief that the delay would ultimately be condoned.

8. I see no reason whatsoever to condone the delay in filing the appeal as sought in this application. The application is accordingly dismissed.

9. Resultantly, RSA 7/2024 is also dismissed on the ground of delay.

10. The next date i.e. 22 April 2024 already fixed in RSA 7/2024 stands cancelled.

C.HARI SHANKAR, J

APRIL 9, 2024

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Click here to check corrigendum, if any

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