



2025:DHC:6724



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision : 05.08.2025**+ **W.P.(C) 11619/2025**

OM HYDRO POWER LIMITED

.....Petitioner

Through: Mr. Divya Singh, Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Arnav Kumar, CGSC alongwith
Ms. Himani Yadav, Advocates for R1
and R2.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present petitioner has been filed by the petitioner assailing an Office Memorandum dated 13.05.2019 (hereinafter "*OM dated 13.05.2019*") whereby a decision was taken not to extend the Central Financial Assistance (CFA) to the petitioner. The petitioner's entitlement to the CFA was expressly cancelled *vide* the said OM which reads as under:

“No. 287/18/2019-SHP
Government of India
Ministry of New & Renewable Energy
(Small Hydro Power Division)

Block No: 14, CGO Complex
Lodhi Road, New Delhi -110003
Dated: 13.05.2019.

OFFICE MEMORANDUM

*Subject: Cancellation of the proposals submitted to the Ministry for
Central Financial Assistance (CFA) for setting up of Small Hydro Power
projects in private sector.*



The undersigned is directed to convey the decision of the Ministry to close the files pertaining to 53 Small Hydro Power projects, the list of which are annexed herewith, in view of non-compliance of the provisions contained in the Administrative Approval of SHP schemes circulated vide letter No. No. 14(5)/2003-SHP dated 29.7.2003 and vide letter No. 14/(1)2008-SHP dated 11.12.2009.

2. It is further conveyed that no correspondence in this regard will henceforth be entertained, as the project developers had not submitted any progress report of their project execution after submission of application for providing Central Financial Assistance.

3. This issues with the approval of the competent authority in this Ministry.”

2. The OM clearly records that the petitioner's name appears at S. No. 30 in the list of projects appended to the aforesaid OM. As stated in the OM, the reason for cancellation/withdrawal of CFA was that the concerned project developer has not submitted any progress report of their project execution after submission of application for providing CFA. No steps were taken by the petitioner to contemporaneously assail the aforesaid OM dated 13.05.2019. As such, the present petition clearly suffers from delay and laches.

3. Learned counsel for the petitioner seeks to rely upon the Office Memorandum dated 26.05.2025 (hereinafter “OM dated 26.05.2025”) which makes certain changes for the purpose of release of balance CFA to the projects that are eligible for the same. It is sought to be contended that the same affords a cause of action to the petitioner.

4. The aforesaid OM dated 26.05.2025 has no impact on the entitlement of the petitioner since the petitioner was excluded from the purview of CFA vide OM dated 13.05.2019. As such, OM dated 26.05.2025 cannot furnish any fresh cause of action to the petitioner to assail OM dated 13.05.2019.

5. In ***State of Madhya Pradesh & Ors vs Nandlal Jaiswal & Ors***, AIR



1987 SC 251, the Supreme Court observed as under :

“It is well settled that the power of the High Court to issue an appropriate writ under Art. 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactory explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction”.

6. Further, the Supreme Court in ***P.S. Sadasivaswamy vs The State of Tamil Nadu***, 1974 AIR 2271, stated that :

“It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extra-ordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters”

7. In light of the above, the present petition, being clearly barred on account of significant delay and laches, is dismissed.

SACHIN DATTA, J

AUGUST 5, 2025/at