



2026:DHC:3982



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

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Reserved on: 11th February, 2026

Pronounced on: 07th May, 2026

+ **RFA 69/2023, CM APPL. 4030/2023 (delay) & 4544/2023 (stay)**

DELHI DEVELOPMENT AUTHORITY

Through its Vice Chairman

Vikas Sadan, INA, New Delhi.

.....Appellant

Through: Ms. Shobhna Takiar, Standing
Counsel with Mr. Gaganmeet Singh
Sachdeva, Mr. Kuljeet Singh,
Mr. Harshpeet Singh Chadha and
Mr. Hridyesh Khanna, Advocates.

versus

SH. MANMOHAN SINGH BEDI

S/o Late Sh. H. S. Bedi,

R/o 7, Wazir Ali Building,

Ferozepur Cantt, Punjab.

.....Respondent

Through: Ms. Sonia A. Menon, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

CM APPL. 4030/2023:

1. An **Application** under *Section 5 of Limitation Act, 1963 (hereinafter referred to as 'Act')* read with *Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC')* has been filed on behalf of the Appellant Delhi Development Authority ('DDA') seeking **condonation of delay of 1600 days, in filing the present Appeal.**

2. It has been submitted in the Application that Appellant DDA is



aggrieved by impugned Judgment and Order dated 08.06.2018 passed by the learned ADJ in CS No.8536/2016. After passing of this Judgment, on 27.08.2018, the Appellant received the file along with Judgment from the Counsel. For taking appropriate steps, file was examined by the Officials of the Appellant for exploring the option either filing Appeal or mandatory / necessary compliance, in terms of Judgment dated 08.06.2018.

3. A meeting took place on 16.11.2018, but thereafter, the file of the case remained unattended till 24.12.2019. File was traced on the table of an employee, who retired from service on 31.07.2019.

4. Thereafter, the file was submitted for taking appropriate action to avoid contempt and Administrative Branch of the Appellant, could not take decision to prefer Appeal. The matter was referred to the Legal Department on 24.06.2021, who gave its opinion on 01.07.2021. Again, meeting was convened on 11.10.2021 before the Commissioner, Housing and it was agreed to prefer an Appeal against the impugned Judgment dated 08.06.2018 and case was assigned to the Counsel, who returned the file on 20.12.2022.

5. This decision to prefer the Appeal was taken on 02.01.2023, on the ground that the acceptance of the Judgment would create a precedent, for no fault of the Appellant. In addition, there is already CBI inquiry in allotment of flats in these kinds of cases of wrong address policy and some unscrupulous persons get allotment of flats, in connivance with DDA Officials.

6. Accordingly, the Commissioner Housing reiterated on 02.01.2023 for filing the Appeal and on the same day, the case was assigned to the Counsel, who received the file on 09.01.2023. Thereafter, Appeal was drafted and sent to the Appellant, for verification of facts and Appeal was filed at the



earliest.

7. It is submitted that Appellant DDA is a statutory body and due to petty lapses on the part of its functionary Officials of the Department, it resulted into delay in filing this Appeal, which may be condoned, as DDA is a Public Institution / Organization, which must not be not made to suffer. Appellant is Government functionary and part of the State having obligation and responsibility of wide areas and issues, on account of which, present Appeal could not be filled in time. Though there is undue delay, the graceful condonation of delay in view of not letting the State to suffer on account of petty lapses on the part of individual functionaries, is not deniable. Hence, delay of 1600 days may be condoned.

8. In support of this Application, Affidavits dated 02.05.2024 and 28.03.2025 have been filed on record, explaining the delay.

9. **Learned counsel for the Respondent** submits that delay cannot be condoned in view of Judgments relied upon by her in her Written Submissions.

10. The Respondent in the **Written Submissions** stated that the Appeal has been filed *with a delay of four years*, against the Judgment dated 08.06.2018. The timeline by the Appellant shows long unexplained gaps and vague reasons for delay such as:

- (i) 80 days delay in receiving file from unnamed counsel;
- (ii) 403 days delay when the file remained unattended;
- (iii) 540 days delay in referring the file to Legal Branch; and
- (iv) 535 days delay by previous Counsel in returning the file.

11. It is submitted that the Appellant took no steps to comply with the Decree, despite repeated reminders and requests by the Respondent



including Letter dated 12/13.09.2022, and Legal Notice dated 23.11.2022. The date of receipt of the Notice has not been mentioned in the Affidavit by the Appellant, to explain the delay.

12. The Appellant came into action only after 03.12.2022, when a Show Cause Notice for Civil Detention, was issued against Vice Chairman, DDA. Since, the Court refused to issue Notice in the Appeal and issued Notice only on the Delay Application, bearing CM bearing No. 4030/2023, and the Order dated 03.12.2022 was to be executed, that the Appellant made a statement on 07.02.2023 that a Demand Letter for Allotment would be issued within a period of three months, keeping the rights of the parties open.

13. However, no valid Allotment has been made till date, despite various Applications that have been filed before the executing Court. The conduct of the Appellant the abuse of the process of law. The *delay defeats Justice* and there must be a finality to the litigation.

14. The learned Trial Court has given a reasoned Judgment noting the address error, non-service of documents, DDA Policy, Limitation period, admission by DDA witnesses, lack of proof for change of address and the applicability of DDA Policy. The DDA has been directed to allot a Flat to the Plaintiff at the old cost-plus interest, as per their Policy for cases where Demand Letters were sent to incorrect addresses.

15. There is no ground for condonation of delay and is Applicable is liable to be dismissed.

Submissions heard and record perused.

16. The **Regular First Appeal** has been preferred against the Judgment dated 08.06.2018. As per the submissions in the Application itself, the



Appeal has been filed in the last week of January, 2023 *with a delay of 1600 days*. The explanations given in the Application make an interesting reading.

17. As has been pointed out in the written submissions by the Respondent, the learned Counsel who was handling the matter did not gave the file in the Department after 80 days delay, for which there is no explanation.

18. Thereafter, as per the submissions of the DDA, the file remained unattended for 403 days. Again, *there is absolutely no explanation why such indifference was shown by the Department. In fact, it is stated in the Application itself that the Department was exploring the possibility for filing the Appeal or to comply with the Order. It all reflects that the DDA was reluctant to file the Appeal and was in a state of confusion, whether an Appeal indeed was merited against the Judgment.*

19. Further reasons are even bizarre as it was stated that the Meeting was held on 16.11.2018 within the Department, but thereafter, *again there was a long slumber of more than one year as the matter remained unattended till 24.12.2019*. The Appellant again tried to explain by stating that the File was on the table of an employee, who retired on 31.07.2019 and therefore, the File remained unattended.

20. The further explanation given is that the decision could not be taken about filing of an Appeal, which eventually got filed on 24.06.2021. An additional Affidavit has been filed on behalf of the DDA dated 28.03.2025 wherein date wise movement of the File, has been given.

21. It emerges from the additional Affidavit and the submissions made by the Respondent that the Execution Petition got filed and the Notice of the same was served upon DDA in December, 2022. There was compliance



being directed by the Executing Court and even Warrants were issued against the Vice Chairman, DDA. It is this circumstance which mobilized the Appellant and prompted it to file the present Appeal.

22. The Appellant has placed reliance on Suo Motu Writ Petition (C) No. 3/2020. However, this Judgment of Apex Court categorically explained that it is only in cases where the limitation would have been expired during the period between 15.03.2020 till 28.02.2022 that the limitation of 90 days would be available from 01.03.2022. However, in the present case, the Appeal does not fall within the ambit of this Order dated 10.01.2022 of the Apex Court, since the time of filing of Appeal expired much prior to the given date.

23. In this context it would be relevant to refer to the Judgment of Shivamma (Dead) by LRs vs. Karnataka Housing Board and Others, 2025 SCC OnLine SC 1969 wherein it was held as under:

“261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.”



24. This aspect of delay was further explained in the case of Union of India and Anr. vs. Jahangir Byramji Jeejeebhoy (D) Through his LRs, 2024 SCC OnLine SC 489, wherein the Supreme Court held that *the length of delay is a relevant factor which the Court must take into consideration, while considering whether the delay should be condoned or not*. From the tenor of the approach of the Appellant, it appears that they wanted to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. *Once it is held that a party has lost his right to have the matter considered on merits, because of his own inaction for long, it cannot be heard to plead that the substantial justice deserves to be preferred as against technical considerations*. While considering the plea for condonation of delay, the Court must not start with the merits of the main matter. The Court owes a duty to first ascertain the *bona fides* of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced, that the Court may bring into aid the merits of the matter for the purpose of condoning the delay.

25. The term “*sufficient cause*” is not a loose panacea for the ill of pressing negligent and stale claims. This expression is to be construed with justice-oriented flexibility, so as not to punish innocent litigants for the circumstances beyond their control as has been noted in the case of Shivamma (Dead) by LRs (supra). ***This is a classic case demonstrating absolutely lack of diligence and the lackadaisical attitude of the DDA which is not condonable.***

26. From the explanation given by the Appellant in the Application, **it is**



evident that there was not any *bona fide* delay, but it was only on account of there being a discussion in the Department that the Appeal may not be merited. The Appeal finally got triggered by the Warrants issued against the Vice Chairman, DDA. It is, therefore, ***evident that there is no sufficient cause of delay explained in the Application for Condonation of Delay of 1600 days.***

27. There is **no merit** in the present Application, which is hereby, **dismissed.**

RFA 69/2023:

28. In view of the observations made above in the **CM APPL. 4030/2023**, the present **Regular First Appeal** along with pending Application(s) stands **dismissed.**

**(NEENA BANSAL KRISHNA)
JUDGE**

**MAY 07, 2026
R/VA**