



\$~10

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

+ **W.P.(C) 15/2026**

**VIPIN KUMAR VERMA**

.....Petitioner

Through: Mr. Manish Kumar Singh and Mr.  
Anurav Gupta, Advs.

versus

**SECRETARY DLSA SHAHDARA & ORS.** .....Respondents

Through: Ms. Cauveri Birbal, Mr. Kamendu  
Pandey, Ms. Nishtha Dhall and Ms.  
Preksha Gaur, Advs for R-1 and 2.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

%

**05.01.2026**

**CM APPL. 32/2026 (EXEMPTION)**

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 15/2026**

3. Heard.
4. Issue notice.
5. Learned counsel for the respondent nos. 1 and 2 appears and accepts notice.
6. The petition is against the order dated 05.03.2025 passed by respondent no.1 i.e. District Legal Service Authority, Shahdara (hereinafter to be referred as 'the DLSA').



7. The dispute stems from a road accident which had occurred on 14.02.2014, where the petitioner had suffered certain grievous injuries. An FIR was lodged and criminal case was concluded with acceptance of untraced report since the accused could not be identified. Therefore, the petitioner approached the Motor Accidents Claim Tribunal ('MACT') seeking compensation.

8. The MACT *vide* judgment dated 24.02.2024 found that the involvement of the offending vehicle and the aspect of rash and negligent driving were not proved and, accordingly, declined compensation. The MACT, however, referred the matter to DLSA to consider the case for grant of compensation under extant policy.

9. It appears that *vide* order dated 05.04.2024, the DLSA directed for a compensation of Rs. 2 Lakhs under Delhi Victim Compensation Scheme, 2018 (DVCS). However, the said amount was not disbursed.

10. When the petitioner was pursuing the disbursement of the amount, there seems to be a communication by DLSA, applying Clause 10.5 of the DVCS, presumably, with an understanding that the cases covered under the Motor Vehicles Act, 1988 cannot be considered for compensation under the DVCS.

11. Learned counsel appearing for the petitioner takes this Court through Clause 10.5 of the DVCS and points out that the aforesaid clause would have no application under the facts of the instant case. According to him, Clause 10.5 envisaged the avoidance of repeated (double compensation). He unequivocally submits that in the instant case, the petitioner has not been awarded any compensation by the MACT. Additionally, he also submits that before passing of the impugned order dated 05.03.2025, the petitioner was not heard.



12. Ms. Cauveri Birbal, learned counsel for the respondent no.1 and 2 who appears on advance instructions, submits that the DLSA be granted some time to place on record its reply and as per her instructions, even the said authority is willing to reconsider its decision in accordance with extant policy.

13. Having considered the submissions made by the parties, the Court finds that firstly, the order dated 05.03.2025 is passed without hearing the petitioner. The same is admittedly prejudicial to the interest of the petitioner. When there was a specific order directing for compensation, before the same was withdrawn, opportunity of hearing ought to have been extended. Under these circumstances, the impugned order deserves to be set aside on the aforesaid ground alone.

14. Additionally, there seems to be some substance in the submission of the petitioner that the concerned clause would not attract in the instant case. The same, however, will have to be considered by the respondent DLSA.

15. The petitioner shall also be at liberty to place all such orders before the DLSA, whereby, after dismissal of the MACT cases, the DLSA has awarded the compensation to the victims. If such a material is placed on record before the DLSA, there is no reason as to why the same should not be considered appropriately.

16. In view of the aforesaid, the instant petition stands disposed of with the following directions: -

- (i) The impugned order dated 05.03.2025 passed by the respondent DLSA is set aside.
- (ii) The DLSA is directed to reconsider the case of the petitioner in view of the material which is already placed on record and the



further material including the orders etc., to be placed before the DLSA within a period of 15 days from today.

- (iii) The DLSA shall pass a speaking order within a period of six weeks from the date of receipt of the further material to be placed on record by the petitioner.
- (iv) The petitioner shall be at liberty to take appropriate recourse in accordance with law, if his grievance is not satisfied.

**PURUSHAINdra KUMAR KAURAV, J**

**JANUARY 5, 2026**

aks/mj