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

Decided on: 06.05.2022

+ LPA 542/2016

GOVT OF NCT OF DELHI

..... Appellant

Through: Mr. Sanjay Kumar Pathak, Mr.
Sunil Kumar Jha and Mr. M.S.
Akhtar, Advocates.

versus

SATBIR & ANR

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

NAJMI WAZRI, J. (ORAL)

The hearing has been conducted through hybrid mode (physical and virtual hearing).

CM APPL. 21724/2022 (For delay of 1494 days in filing the Review Petition)

1. This application seeks condonation of delay of 1494 days in filing the Review Petition against the order dated 28.02.2018. The reasons being offered are that after examining the matter the petitioner had decided to file an SLP against the aforesaid order for which a proposal was made on 13.08.2018, which was finally approved by the Additional Chief Secretary on 23.12.2019. Till date no SLP has been filed and on 02.08.2021, the Assistant Legal Advisor (L&B) proposed to file an application for review. The appellant submits that due to COVID and pandemic related lockdown the Review Petition

could not be filed within the limitation period. However, this petition seeks review of the order dated 28.02.2018 while COVID related constraints came about only in March '20, over two years later. There is no explanation for the delay between the passing of the order till the onset of COVID, except that they were considering filing an SLP. This is not a ground for condonation of delay. In terms of section 5 of the Limitation Act, 1963, delay of each day needs to be justified. There must be sufficient cause for not preferring the appeal or making the application within such period. There is no ground made for condonation of the inordinate delay.

2. In *Pundlik Jalam Patil Vs. Executive Engineer, Jalgaon Medium Project*, (2008) 17 SCC 448, the Supreme Court held as under:

“...
“

Basically, the laws of limitation are founded on public policy. Statutes of limitation are sometimes described as “statutes of peace”. An unlimited and perpetual threat of limitation creates insecurity and uncertainty; some kind of limitation is essential for public order. The principle is based on the maxim “interest reipublicae ut sit finis litium”, that is, the interest of the State requires that there should be end to litigation but at the same time laws of limitation are a means to ensure private justice suppressing fraud and perjury, quickening diligence and preventing oppression. The object for fixing time-limit for litigation is based on public policy fixing a lifespan for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies

promptly. Salmond in his Jurisprudence states that the laws come to the assistance of the vigilant and not of the sleepy.

...”

3. Although courts would take an accommodative view apropos appeals or reviews filed by Government departments, as there could be administrative delays, for which the Government's interest and the overall public interest should not suffer. However, each case of such delay has to be examined on its individual merits and the jurisprudence does not extend to accommodating and condoning all inordinate or unjustifiable delays by the governmental agencies.
4. In the aforesaid circumstances, the appellant cannot be granted accommodation. The delay cannot be condoned as it has been filed far beyond the prescribed period of limitation.
5. The application is dismissed.

REVIEW PET. 127/2022 (By appellant for review of order dated 28.02.2018), CM APPL. 21722/2022 & CM APPL. 21723/2022

6. In view of the above, the petition is dismissed as not maintainable.

NAJMI WAZIRI, J

SWARANA KANTA SHARMA, J

MAY 6, 2022
SS