

Union Of India & Ors. vs B K Saxena & Ors. on 3 April, 2025

Author: Navin Chawla

Bench: Navin Chawla

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 03.

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W.P.(C) 2528/2024

UNION OF INDIA & ORS.

.....Petit

Through:

Mr. Balendu Shekhar, CGSC
with Mr. Krishna Chaitanya
Mr. Raj Kumar, Advocates.

versus

B K SAXENA & ORS.

.....Respond

Through:

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 19580/2025 (Exemption)

1. Allowed, subject to all just exceptions.

2. For the reasons stated in the application, the delay of 13 days in re-filing the Review Petition is condoned.

3. The application stands disposed of.

REVIEW PET. 194/2025 & CM APPL. 19579/2025

4. The application, being CM APPL. 19579/2025, has been filed by the petitioners seeking condonation of delay of 330 days in filing the Review Petition.

5. As a brief background, the Review Petition has been filed against the Order dated 20.02.2024 passed in the present writ petition, which was, in fact, a consent order wherein the learned counsel appearing for the petitioners at that time had conceded that the case of the respondents was similar to that of Om Prakash v. Union of India & Ors., which had been decided by the learned Tribunal vide its Order dated 28.04.2015 in Original Application No. 4377/2013.

6. Aggrieved by the Impugned Order, the petitioners had filed a Special Leave Petition, being SLP

(C) Diary No. 30670/2024 titled Union of India & Ors. v. B. K. Saxena & Ors., which came to be dismissed by the Supreme Court vide its Order dated 20.11.2024.

7. The present Review Petition has been filed on or about 27.03.2025. The only ground urged in the present application for seeking condonation of delay is as under:-

"3. That unfortunately because of the reasons beyond the control of the Petitioners, the Review Petition could not be filed in time. It is submitted that the above said delay is not all intentional and only on the account of the departmental administrative procedures and heavy workload at the desks involved.

4. It is submitted that unlike the private litigant the matter relating to the Government are required to be considered at various levels and then only a decision is arrived at. The process of referring the particular file from one department to another is a time consuming process.

5. However, in spite of the best and sincere efforts the scrutiny and other connected process could not be completed earlier. On merits the Petitioner has got a very good case and therefore, this Hon'ble Court's indulgent view is solicited in the matter of condonation of delay in filing the affidavit as the matter is of immense importance having far reaching consequences, affecting public interest in general and Government revenue in particular."

8. We do not find the above grounds sufficient for condoning the delay. The SLP itself had been filed by the Review Petitioner with delay. Though the said delay was condoned while dismissing the SLP, the present Review Petition has also been filed with delay from the date of such dismissal.

9. The application is, accordingly, dismissed. Consequently, the Review Petition also stands dismissed, being barred by limitation.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 3, 2025 p/DG Click here to check corrigendum, if any