



MINUTES

1. The Committee was reconstituted in LPA No.89 of 2018 "Registrar, University of Delhi Vs Union of India & Ors." hereinafter referred to as "The Committee", in continuation of earlier 05 Members Committee, vide Notification DU/124/Legal / HC-6414/2018/ 1971 dated 31st October 2018. The Committee was mandated "to recommend the course of action to the University in light of the dismissal of the LPA and application for condonation of delay in filing appeal (LPA) filed by the University of Delhi along with the appeal (LPA) in the DMRC matter", vide judgment dated 29.10.2018.

2. The Committee met on 16.11.2018, when all the members except Sh. Navneet Rajan Wasan (who could not attend due to personal reasons) were present. Prof. A. K. Singh, Department of Commerce (Chairperson) welcomed all the members and introduced each other. The Chairperson then briefed the members about the case and gist of the judgment dated 29.10.2018.

3. The Committee members perused the application being CM No.8654/ 2018 U/s 151 CPC (application for seeking Condonation of delay in filing the appeal) along with the paper-book of said LPA containing annexure/ records and documents thereon, including those provided by the Legal Section and then deliberated on the matter under reference at length and discussions were held.

4. **Professor Sydney Rebeiro**, Dean Alumni Affairs, while endorsing the views of Dy. Dean Legal Dr. Raman Mittal, stated:

4.1 That the Division Bench Judgment delivered 29.10.2018 after a prolonged 3 hour hearing before Their Lordships The Chief Justice and Justice V. Kameswar Rao in LPA 89 of 2018 is a judgment based exclusively on the calendar – technicality of a delay of 916 days and, thus, egregiously errs in ignoring larger crucial, substantial and substantive *Public Causes* issues inherent in DU's pleas.

4.2 The University of Delhi founded in 1922 as a Public University serving more than 7,00,000 students needs to be heard on merits of the case and Hon'ble Supreme Court should consider several vital *Justiciable Public Causes* issues and save the University of Delhi from the consequences of being "Damaged/Lost Forever."

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Following recommendations were made unanimously

5. Perusal of the available records in respect to the subject case, considering the existing facts and circumstances of the case in its entirety, the members pursuant to indepth discussions and suggestions, unanimously recommended that the verdict of the Hon'ble High Court of Delhi must be challenged and SLP is essentially required to be preferred against the order/ judgment dated 29.10.2018 of the Hon'ble High Court of Delhi in LPA No. 89 of 2018 "Registrar, University of Delhi Vs Union of India &Ors." dismissing the LPA and application for condonation of delay in filing appeal (LPA).

The following points were made in support of the SLP

6. The Hon'ble Division Bench erred in concluding that there was no "sufficient cause" for the matter to be heard and decided since there are major public causes involved and it is in the interest of public at large in particular the students of the University and its employees including academicians in the University of Delhi.

7. The Hon'ble Division Bench failed to appreciate that it is not a case of negligence or want of bonafide on the part of the University of Delhi in their part in the facts and circumstances of the case and its entirety. It was not a case that the University of Delhi did not act diligently or remained inactive. The chronological events produced justify enough grounds to condone the delay.

8. The Hon'ble Division Bench failed to condone the delay within the parameters laid down by the Apex Court and there was sufficient cause which demonstrated that the litigant in the instant case could not have approached for various reasons on time and in a public cause the condonation of delay was essential.

9. The Hon'ble High Court of Delhi erred in not appreciating the following guidelines while deciding the condonation of delay:

"(a) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice,

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- (b) The terms "sufficient cause" should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact-situation,
- (c) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis,
- (d) It is asserted that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation,
- (e) The State or a public body or an entity representing a collective cause should be given some acceptable latitude."

10. The Hon'ble Division Bench failed to appreciate that the building structure which will come up in times to come, if the permission was granted, it will impinge on the security of the inhabitants of the University which include the female students and student community at large. There will not be any check or balance in identifying whether the occupants of the said building are anti-social elements or otherwise. Otherwise also in the heart of University a building structure of such a nature where credentials would be difficult to ascertain of unknown persons would amount to compromising with the security of the people and material of the University particularly the soft targets – the young students.

11. The Hon'ble Division Bench erred in failing to appreciate that the land was transferred from the Ministry of Defence to DMRC basically to make a Metro Station for facilitating the movements of the students studying in the University. However, the land was sold to the private builder in the circumstances as explained in the petition and if the same is allowed it will cause serious prejudice to the entire University of Delhi which could damage/destroy for sure, the ambience, the exclusive socio intellectual life style, the architectural character and the cultural demographic nature of the entire Delhi University Enclave for people and material of the educational institution.

12. The Hon'ble Division Bench has decided the LPA only hearing on the application for condonation of delay in filing and without hearing arguments on merits of the appeal. However, adequate and enough reasons were provided which demonstrated that the

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University of Delhi could not approach the Court within limitation. It is also to add here that the delay for approaching Court by the University was not intentional, instead the University of Delhi took the time honoured executive route for justice by writing since 2009 to the agencies responsible for granting approval of all such building constructions. Finding no solutions/ relief from such agencies it was decided to move to the Court of Law after seeking due approval/ consideration of such an important matter by the Executive Council i.e. highest Statutory Body. It was also added that in all such cases due discussions/ approval are sought from all such bodies and not each and every matters are placed for seeking approval for filing the suits before Court of Law.

13. The decision by the Division Bench dated 29.10.2018 inter alia stating that "University of Delhi's approach to the issue under reference and justifying the delay does not inspire confidence" is wrong and it should be opposed. The University of Delhi being a prestigious and esteemed institute is bound by certain obligations and has to follow certain procedures and administrative approvals/ discussions to be taken collectively with due diligence and approval from the Statutory Bodies i.e. Executive Council.

14. It is significant to mention that if the order dated 29.10.2018 passed by the Hon'ble Division Bench is not challenged and no relief is granted in favour of the University of Delhi it will damage/ destroy further the position that has remained valid since pre-independence days i.e. the 1945 Layout Plan (LOP) outlining the area of North Delhi Campus distinguishing between the land belonging to the University of Delhi and North Delhi Campus demarcated under Delhi University Enclave LOP dated 12.04.1945 as separate entities and former being the subset of the latter. The said whole area was earlier known as Delhi University Enclave including the land under question. The said argument is further strengthened in view of the letter no. F.59-6/41-E dated 25.10.1943 of Government of India, Department of Education, Health & Lands (Copy enclosed) on the subject of the Delhi University Enclave, which states that "mandatory consultation" with the University against any construction or land development in "North Delhi Campus" were designed to protect the peculiar character of the University as an "integrated Unit" notwithstanding the fact that construction may not be on the University land.

15. That after enacting of right of accessibility of Person with Disabilities vide THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 has also to be taken care of and the appropriate Government should also take into consideration the aspects that no such constructions should take place at public places which can hinder / obstruct the hassle free movement of such situated persons as per the mandate of the said Act.

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16. In view of the foregoing discussions, it is the considered view that an SLP is preferred without delay and on the highest priority.

Meeting ended with vote of thanks to the Chair.

Prof. A. K. Singh
Deptt. of Commerce (Chairperson)

Prof. Sydney Rebeiro
Dean Alumni Affairs (Member)

Shri Navneet Rajan Wasan
(Member)

Commodore R. K. Mehta
(Member)

Prof. Mohan
Dean Faculty of Arts (Member)

Prof. S.P. Singh
Deptt. of Political Science (Member)

Prof. Anil Aneja
Nodal Officer (PWD) (Member)
Secretary

Sudhir Sharma
Joint Registrar Legal (Member)

Dr. Payal Mago
Joint Dean of Colleges (Member)

Dr. Geeta Sahare
Dy. Dean Campus Development (Member)

Dr. Raman Mittal
Deputy Dean (Legal) (Member)

Dr. Meena Panicker
Deputy Dean (Legal) (Member)

Dr. Bipin Tiwari
OSD (EOC)

Dr. Moutoshi A.O.
Deputy Dean (Legal) (Member)