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

+ W.P.(C) 43/2018

SH. SHIV KUMAR

..... Petitioner

Through: Mr. Dipak Kumar Jena, Ms. Minakshi
Ghosh, Mr. Jaladhar Das &
Mr.Kumar Shourish, Advocates.

versus

COMMISSIONER FOOD AND SUPPLY AND
CONSUMER AFFAIRS

..... Respondent

Through: Ms. Adeeba Mujahid, Advocate for
Mr. Zoheb Hussain, ASC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

08.02.2019

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C.M. No. 6104/2019

Issue notice. Learned counsel for the respondent accepts notice.

By this application, the petitioner seeks recall of the order dated 16.01.2019, whereby the writ petition was dismissed for non-prosecution.

Learned counsel for the petitioner states that he could not appear on the said date as he was busy in Supreme Court and he had requested his colleague to appear and his colleague did not appear. He states that compliance affidavit had been filed on 10.08.2018 vide Filing No.211053 but the same was lying under office objections. He states that the same was re-filed along with an application for condonation of delay on 06.09.2018 vide Filing No.266874.

We find that even the said affidavit and application seeking condonation of delay are not on record. However, in view of the aforesaid, we allow the application and restore the writ petition.

W.P.(C) 43/2018

In case the affidavit stated to have been filed by the petitioner is not brought on record before the next date, the matter shall be liable to be dismissed.

List on 02.08.2019.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 08, 2019

B.S. Rohella