

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal Nos.1486-1487/2017

**DELHI URBAN SHELTER IMPROVEMENT
BOARD ETC.**

APPELLANTS

VERSUS

SHASHI MALIK & ORS. ETC.

RESPONDENTS

WITH

SLP(C) No. 11556/2018

UNION OF INDIA AND ANR.

PETITIONERS

VERSUS

P. K. A KURUP AND ORS.

RESPONDENTS

ORDER

1. These civil appeals by special leave, granted on 03rd February, 2017, challenge the common judgment and order dated 01st September, 2016 passed by a Division Bench of the High Court of Delhi at New Delhi¹ dismissing two intra-court appeals² of the

¹ High Court

² L.P.A. No.405/2016 and L.P.A. No.409/2016

appellants.

2. We need to note a few facts.

3. The controversy centers around release of benefits of Assured Career Progression Scheme³ to the respondents.

4. A Single Judge of the High Court *vide* judgment and order dated 11th February, 2015 allowed the writ petitions⁴ of the respondents holding that withdrawal of benefits under the ACPS earlier extended was wrongful.

5. Challenging the judgment and order dated 11th February, 2015, the appellants preferred an intra-court appeal⁵ before the High Court. The order passed on the said appeal dated 28th July, 2015 reads as follows:

“1. After some arguments learned counsel for the appellant states that the appeal may be permitted to be withdrawn with an observation that if the appellant seeks review of the impugned order dated February 11, 2015 the learned Single Judge may be requested to decide the same as per law and be considerate in condoning the delay in seeking the review.

2. Accordingly we dismiss the appeal as not pressed observing that if the appellant seeks review of the order dated February 11, 2015 the learned Single Judge shall bestow a consideration thereto as per the review jurisdiction of the Court and as regards the delay in seeking review the learned Single Judge would decide the sufficiency of the cause for delay to be condoned as pleaded.”

³ ACPS

⁴ W.P. (C) No. 2118 of 2012 and W.P. (C) No. 2117 of 2012

⁵ LPA 484/2015

6. Availing the liberty granted by the High Court in the aforesaid order dated 28th July, 2015, the appellants applied for review. The review petition, however, came to be dismissed by an order dated 14th March, 2016 of the Single Judge.

7. The order dated 14th March, 2016 rejecting the review as well as the parent order dated 11th February, 2015 allowing the writ petition were once again carried in appeal before the High Court which, as noticed above, has rejected the intra-court appeals.

8. We need not express any opinion on the merits of the decision given by the Division Bench, for, in our opinion, the intra-court appeals in the first place were not maintainable; and, the Division Bench without even examining the challenge on merits could have dismissed the same by referring to the principles flowing from the Code of Civil Procedure, 1908⁶.

9. From the extract of the order dated 28th July, 2015, it is clear that while electing to have the intra-court appeal dismissed as not pressed and, on the contrary, seeking liberty to apply before the Single Judge for review, the appellants did neither seek nor were granted leave by the Division Bench to challenge the order dated 11th February, 2015 of the Single Judge, over again, should the review fail.

10. Once leave was not obtained to challenge the order dated 11th February, 2015 of the Single Judge over again, principles flowing from Order XXIII Rule 1 of the CPC were attracted. The second intra-court

⁶ CPC

appeal against the order dated 11th February, 2015 was, thus incompetent *ab initio*.

11. We may refer to the decisions of this Court in ***M/s. Upadhyay & Company Vs. State of Uttar Pradesh***⁷ and ***Satheesh V.K. v. Federal Bank Ltd.***⁸ where this Court, in the context of previous withdrawal of special leave petitions without permission to move for special leave subsequently, declined interference. The law laid down therein squarely applies here. The same order cannot be challenged over again without leave of the Court before which the claim was abandoned/not pressed.

12. Insofar as the challenge to the order passed by the Single Judge dismissing the review petition is concerned, no appeal lay under Order XLVII Rule 7, CPC; a *fortiori*, no appeal before this Court in the absence of any valid appeal against the order, of which review was sought, would independently be maintainable.

13. Since either of the two appeals before the Division Bench of the High Court was not maintainable, we see no reason to entertain the present appeals for examining the merits of the orders under challenge.

14. In such view of the matter, the civil appeals stand dismissed.

15. We are also not inclined to interfere with the order under challenge in SLP (C) No. 11556/2018 which, too, stands dismissed.

⁷ (1999) 1 SCC 81

⁸ 2025 SCC OnLine SC 2046

16. Pending application(s), if any, shall stand disposed of.

.....J
(DIPANKAR DATTA)

.....J
(SHEEL NAGU)

**NEW DELHI;
AUGUST 11, 2026.**

ITEM NO.115

COURT NO.6

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos.1486-1487/2017

DELHI URBAN SHELTER IMPROVEMENT BOARD ETC.

Appellants

VERSUS

SHASHI MALIK & ORS. ETC.

Respondents

WITH

SLP(C) No. 11556/2018 (XII)

Date : 11-08-2026 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Appellant(s) : Mr. Brijender Chahar, A.S.G.

Mr. S.N. Terdal (AOR), Adv.

Mr. Karan Chahar, Adv.

Mr. Vvv Pattaabhiram, Adv.

Mr. Aman Jha, Adv.

Mr. Gaurang Bhushan, Adv.

Mr. Mukesh Kumar Maroria, AOR

Mr. Parvinder Chauhan, Sr. Adv.

Mr. Ajay Vikram Singh, AOR

Mrs. Priyanka Singh, Adv.

Mr. M Aamir Faiyaz, Adv.

Mr. Rahul Vikram Singh, Adv.

Mr. Arvind Kumar Sharma, AOR

For Respondent(s) : Mr. M K Bhardwaj, Adv.

Mrs. Priyanka Mitra Bhardwaj, Adv.

Mr. Abhaya Nath Das, Adv.

Mr. K Gopinath, Adv.

Mr. Madhav Dewasi, Adv.

Ms. G Hemalatha, Adv.

Mr. Om Prakash Sapra, Adv.

Mr. Mohd Yasin, Adv.

Ms. Vandana Sharma, Adv.

Mr. Nitish Pande, Adv.
Mr. Sarthak Udaipuria, Adv.
Mr. Piyush Sharma, Adv.
Ms. Barnali Basak, Adv.
Mr. Vijay K Sharma, Adv.
Mr. Swagoti Batchas, Adv.
Mr. Kishor Kumar Mishra, Adv.
Mr. Prem Prakash, Adv.
Mr. Prashant Kumar, Adv.
Mr. Satish Kumar, AOR

Mr. Narendra Kumar, Adv.
Mr. V. Balaji, Adv.
Mr. B. Dhananjay, Adv.
Mr. Nizamuddin, Adv.
Mr. Kishore Kumar Kvd, Adv.
Mr. Vinod K. Nair, Adv.
Ms. Vidushi Aggarwal, Adv.
Mr. Rakesh K. Sharma, AOR
Mr. R. Priyakumar, Adv.

Mr. R. C. Kaushik, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

1. The appeals and special leave petition stands dismissed in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)