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

+ W.P.(C) 6615/2012

SHRI MITHILESH KUMAR PANDEY Petitioner
Through: Mr. Mithilesh Kumar Pandey, Adv.
versus

NEW DELHI MUNICIPAL CORPORATION
AND ORS Respondents
Through: Mr. Anil Amrit, Adv. for NDMC
Mr. Nitin Saluja, Adv. for Mr.N.
Waziri, Adv. for GNCTD

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
17.10.2012

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1. This petition filed in public interest seeks a direction for a CBI probe into the matter of extension by the respondent NDMC of lease of property commonly known as Hotel Taj Mansingh by one year from 10th October, 2012 to 10th October, 2013; a relief for termination of the said lease deed is also sought. It is pleaded that the lease of the said property earlier granted expired in October, 2011 and was extendable for a term of one year only and was so extended till October, 2012; that though the respondent NDMC was required to expedite the auction of the said property, but instead of doing so, further extended the lease from October, 2012 till October, 2013 despite the fact that there was no agenda therefor in the meeting of the NDMC for such extension. In support of the plea that the property is to be auctioned,

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reliance is placed on the written opinion dated 14th September, 2012 received by the respondent NDMC from the Additional Solicitor General of India. It is alleged that the officials of the NDMC, however, for their personal illegal gain and in connivance with the tenant, i.e., M/s Indian Hotels Company Limited (IHC) (which has not been impleaded as a respondent) extended the lease to the benefit of the tenant. The counsel for the petitioner has argued that the property would have fetched a price of more than Rs.2000 Crores and which would have fetched interest income of much more than the monthly rent for the extension negotiated by the NDMC with the tenant. Reliance is placed on *Aggarwal and Modi Enterprises Private Ltd. Vs. NDMC*, (2007) 8 SCC 75 and on *Eureka Forbes Ltd. Vs. Allahabad Bank*, (2010) 6 SCC 193.

2. The counsel for the NDMC appearing on advance notice has refuted that the decision for extension of the lease for one year from October, 2012 to October, 2013 in the meeting of the NDMC was without any agenda item. He has produced before us the minutes of the Council's meeting No.07/2012-13 held on 27th September, 2012 at 4:00 p.m. in the Council Room, Palika Kendra, New Delhi and against agenda item No. 09 (E-03) titled "Operation and Management of Five Star Hotel Premises at 1, Man Singh Road after the expiry of the extended license period on 10th October, 2012". The decision of the majority "to extend the period of license of IHC, on existing terms and conditions, for a further period of one year or till such time a new licensee is chosen through the bidding process, whichever is earlier" is noted. The Council further decided to opt for public auction in a fair and transparent manner, with first right of refusal to IHC.

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3. The counsel for NDMC further states that for the purposes of holding the public auction, M/s Ernst and Young Consultants have been appointed and an attempt is being made to hold the public auction within a period of three to six months from today.

4. The petitioner, who is an advocate and has filed this petition on the basis of newspaper reports and without any detailed enquiry, is unable to rebut the aforesaid.

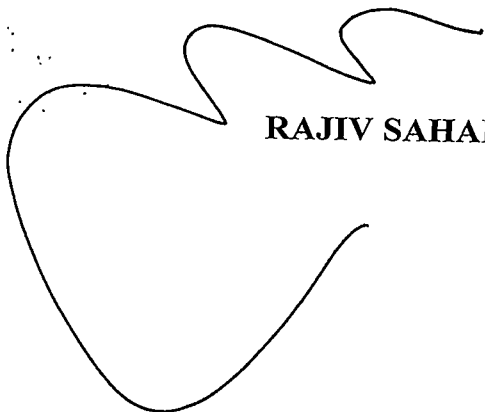
5. Though it cannot be lost sight of that NDMC, in the matter has not acted in right earnest inasmuch as the date of expiry of lease was known in advance and preparation beforehand could have been made for public auction but there is no material before us for deeming a CBI inquiry to be necessary in the matter. Every delay in decision making cannot be a cause for such inquiry and the CBI, a premier investigative agency cannot be bogged down by referring each such case to them. The pleas of the petitioner are also of lethargy on the part of NDMC and though collusion with the tenant is alleged, but without any names or particulars thereof.

We are thus not inclined to entertain this petition in public interest and dismiss the same.

No costs.


CHIEF JUSTICE

OCTOBER 17, 2012
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RAJIV SAHAI ENDLAW, J

WP(C) 6615/2012

Page 3 of 3