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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 7174/2012

INLAND ROAD TRANSPORT PVT. LTD. Petitioner

Through: Mr.Ashish Mohan and Mr.Chetan
Rai Wahi, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.R.N.Singh and Mr.A.S.Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

16.11.2012

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C.M. No. 18518/2012 (Exemption)

Exemption allowed subject to just exceptions.

C.M. stands disposed of.

W.P.(C) No. 7174/2012 & C.M. No. 18517/2012 (Stay).

On 11th February, 2012, the concerned Inquiry Officer had held the cancellation of *VPH in Train No.3039/3040 of M/s. Inland Road Transport Pvt. Ltd.*, to be illegal and had permitted petitioner to operate the lease/contract in question, which is coming to an end on 29th November, 2012. Petitioner claims that pursuance to the decision (Annexure P-7) by the Inquiry Officer, he had sought various RTI informations and when the question of refund of penalty and grant of additional time of about 130 days was not acceded to by respondents, then he had filed an application on 17th September, 2012 (Annexure P-9), seeking refund of the penalty amount and grant of the additional time in respect of lease/contract in question.

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The grievance of petitioner is that neither the penalty amount has been refunded nor question of grant of additional time has been considered by the respondents.

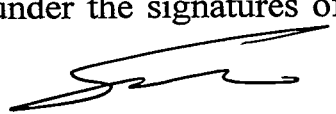
Upon notice, learned counsel for respondents asserts that by application of 17th September, 2012 (Annexure P-9) only RTI information had been sought and perhaps for this reason the same had not been responded to.

To say the least, it is the content and prayer made in the application which has to be considered and not the subject, as referred to in the application. If already not responded to, let respondents effectively respond to petitioner's application of 11th September, 2012 (Annexure P-9) by taking a conscious decision regarding refund of penalty amount and grant of additional time in respect of the lease/contract in question. Let the needful be done within a week from today.

Needless to say that fate of decision taken on application (Annexure P-9) would be positively conveyed to petitioner on or before 26th November, 2012 so that, if need be, petitioner may avail of remedy as available in law.

With directions as aforesaid, this petition and application are disposed of *in limine* with no orders as to costs.

A copy of this order be given dasti under the signatures of Court master to both sides.


(SUNIL GAUR)
Judge

NOVEMBER 16, 2012

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