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

+ W.P.(C) 4766/2015 & CM 8633/2015 & CM 9420/2015

TRIGEN ELECTRONICS PRIVATE LIMITED

..... Petitioner

Through : Mr B. L. Wali

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through : Ms Mini Pushkarna with Ms Yoothica Pallavi
and Mr A. K. Mathur, JLO, North, HQ, DMC.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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28.05.2015

The learned counsel for the petitioner has handed over a copy of an order passed by a learned Single Judge of this Court in WP(C) 5485/2015 dated 27.05.2015. The said order reads as under:-

“CM 9855/2015

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 5485/2015

The petitioner has filed the present petition, *inter alia*, impugning a letter dated 28.03.2015, calling upon the petitioner to pay the outstanding amount of Rs 4,53,24,675/- which is stated to be due and payable by the petitioner to the respondent corporation. The respondent corporation has further blacklisted the petitioner. The learned counsel for the petitioner has referred to the decision of a coordinate Bench of this Court in **Brite Aricon (Consortium) & Anr. v. Airports Authority of India & Anr.: 203 (2013) DLT 408** and **Bhim Sain v. Union of India & Anr.: AIR 1981 Delhi 260** in support of his contention that an order blacklisting a person for an indefinite period is not permissible in law.

The petitioner further contends that the monthly licence fee was enhanced six times w.e.f. 01.11.2014. In the circumstances, the petitioner had voluntarily attempted to surrender the parking sites, however, the same was not accepted on account of alleged dues.

The learned counsel for respondent submits that the petitioner

has been negligent in paying its dues from the very beginning. He further states that the representations made by the petitioner were duly considered and responded to, however, the petitioner has still failed to discharge his dues. He states that in addition to the amount which became due after 31.10.2014 a sum of Rs 1,04,32,035/- was outstanding on account of monthly licence fee and other charges for the period prior to the enhancement of the monthly licence fee.

Learned counsel for the petitioner, on instructions, of Mr Atinder Kaushik, authorized representative of the petitioner company who is present in court today, states that the petitioner would deposit 50% of the outstanding amount within a period of four weeks from today.

Issue notice.

Learned counsel for the respondent corporation accepts notice. Subject to the petitioner filing an undertaking by way of an affidavit to the aforesaid effect, the order dated 28.03.2015, insofar as it blacklists the petitioner is stayed till the next date of hearing.

Renotify on 08.07.2015.

Dasti under the signature of Court Master.”

In view of the said order, we direct that the respondents shall allot the parking lots at *Sukha Ped* and *Saraswati Marg* to the petitioner, but this would be subject to the final orders that may be passed in WP(C) 5485/2015. This writ petition along with pending applications stands disposed of. The interim order also stands modified. The learned counsel for the respondents submits, on instructions, that the petitioner may complete all the formalities within 10 days and within one week thereafter the parking lots shall be allotted to the petitioner.

The next date (17.08.2015), which was earlier fixed in this matter, stands cancelled.

Dasti under the signature of the Court Master.

BADAR DURREZ AHMED, J

**MAY 28, 2015
SR**

SANJEEV SACHDEVA, J