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

+ W.P.(C) 5652/2015

BISHESHWAR JHA

..... Petitioner

Through: Mr. B.L. Wali with Ms. Deepti Gupta,
Advocates.

versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Through: Mr. Balendu Shekhar with Ms. Sakshi
Popli, Advocates with Mr. Ramesh
Sharma, Office Incharge.

+ W.P.(C) 5664/2015

HARISH KUMAR SHARMA

..... Petitioner

Through: Mr. B.L. Wali with Ms. Deepti Gupta,
Advocates.

versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Through: Mr. Balendu Shekhar with Ms. Sakshi
Popli, Advocates with Mr. Ramesh
Sharma, Office Incharge.

+ W.P.(C) 5754/2015

ASHIMA INFRASTRUCTURES PVT. LTD.

..... Petitioner

Through: Mr. B.L. Wali with Ms. Deepti Gupta,
Advocates.

versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Through: Mr. Mukesh Gupta, Advocate.

Page 1 of 3

8

CORAM:
HON'BLE MR. JUSTICE V.P.VAISH

ORDER
% 08.09.2015

By way of present petitions the petitioners have assailed letter dated 28.03.2015 issued by respondents whereby the parking contract of the petitioners were cancelled and the petitioners were directed to handover peaceful possession of the parking site(s) and they were also blacklisted.

With the consent of learned counsel for the parties all these matters are taken up for final hearing as all the petitions involve identical issues.

Learned counsel for the petitioners submits that vide impugned letter dated 28.03.2015 the respondents have cancelled parking contract of the petitioners and have also blacklisted the petitioners without affording any opportunity of hearing. He also submits that the action of the respondents in not extending cooperation to the petitioners in regulating and maintaining the parking site(s) is dereliction of duties.

Learned counsel for the petitioners further submits that the petitioners had given various representations to the respondents but no opportunity of hearing was provided to the petitioners and the said impugned letter was issued.

Mr. B.L. Wali, Advocate appearing for petitioners submits that in petition bearing *W.P.(C) No.5531/2015* titled as '*Ashima Infrastructure Pvt. Ltd. vs. SDMC*' along with *LPA No.438/2015* a similar issue was involved. In the said petition the Hon'ble Division Bench of this Court set aside the impugned letter dated 28.03.2015 and directed respondents to

9

consider the averments made in the writ petition and pass speaking order after affording the petitioners opportunity of hearing.

Learned counsel for respondents has not disputed the decision passed in W.P.(C) No.5531/2015 on 13.07.2015.

The present cases are squarely covered by the said judgment passed in W.P.(C) No.5531/2015.

Considering the facts and circumstances of the present case and the judgment passed in W.P.(C) No.5531/2015 the impugned letter dated 28.03.2015 is set aside. The petitions are disposed of with the directions to the respondents to consider the averments made in the present petitions and pass a speaking order after affording the petitioners an opportunity of hearing. The petitioners are directed to appear before the concerned Officer/ Assistant Commissioner, Remunerative Project Cell, SDMC on 21.09.2015 at 2:30 p.m. The concerned Officer/ Assistant Commissioner shall pass a speaking order which shall be conveyed to the petitioners.

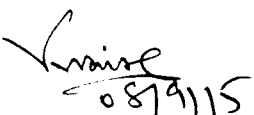
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CM 10177/2015 in W.P.(C) 5652/2015

CM 10192/2015 in W.P.(C) 5664/2015

CM 10347/2015 in W.P.(C) 5754/2015

The applications are dismissed as infructuous.


08/9/15
V.P.VAISH, J

SEPTEMBER 08, 2015

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