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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 37/2016 & CM No.241/2016 (for stay)
M/S MOTHER DAIRY FRUIT & VEGETABLE
PVT. LTD. Petitioner
Through: Mr. Rajeev Dewan, Adv.

Versus

GOVT. OF NCT OF DELHI & ORS Respondents
Through: Mr. Devesh Singh, Adv. for GNCTD.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER
% **05.01.2016**

CM No.242/2016 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 37/2016

3. The petitioner Mother Dairy Fruit & Vegetable Pvt. Ltd. was granted the licence of a shop at Inter State Bus Terminus (ISBT), Kashmere Gate and this petition has been filed claiming similar order as passed in several other petitions of the licensees of other shops at the same terminal.
4. However the petition on behalf of Mother Dairy Fruit & Vegetable Pvt. Ltd. (companies) has been filed not by the authorized signatory of the said company but by Mukesh Singh who claims to be the authorized dealer of the petitioner company qua the said shop.

5. There is no averment in the petition as indeed there should have been of the said person who is filing and signing the petition on behalf of the company being authorized by the Board of Directors of the company to do so. Upon the same being put to the counsel for the petitioner, he draws attention to the letter dated 13th December, 2012 purported to have been issued by an Assistant Manager of Mother Dairy Food Services certifying the petitioner to be the authorized dealer of the petitioner company qua the retail outlet at ISBT, Kashmere Gate. The same can by no stretch of imagination be construed as authorizing to sue on behalf of the petitioner company.
6. Though the petition is liable to be summarily rejected on this ground alone but the counsel for the petitioner seeks time to have the institution of the petition ratified from the petitioner's company.
7. The counsel for the respondent Government of NCT of Delhi (GNCTD) appearing on advance notice states that the said shop has already been sealed on 30th December, 2015.
8. Though the counsel for the petitioner states that on the date of filing of the petition, the premises were not sealed but the petitioner present in person on enquiry states that the shop was sealed on 31st December, 2015.
9. The petition is dated 2nd January, 2016 and admittedly does not disclose the factum of sealing.
10. It is quite evident that Mukesh Singh who has filed the petition misrepresenting the petition to be on behalf of Mother Dairy Fruit & Vegetable Pvt. Ltd., perhaps to gain sympathy, has also indulged in suppression of material facts and made mis-statement before the Court and

attempted to obtain an order portraying as if he is still functioning from the shop.

11. Though the counsel for the petitioner after initial resistance apologizes for the said conduct but I am of the opinion that a time has come for the Courts to deal with such matters strictly as the leniency of the Courts and not taking any action thereagainst is resulting in an impression being created that any wrong representation can be made before the Court and can be got away with.

12. Though I am still refraining from proceeding for contempt but the conduct of the said Mukesh Singh calls for summary rejection / dismissal of the petition with costs of Rs.5,000/- payable to the Delhi High Court Bar Association Lawyers Social Security and Welfare Fund, New Delhi within one week hereof. If the proof of payment of costs is not furnished to the Court Master within one week, the Court Master to have the matter re-listed before the Court.

13. It is ordered accordingly.

RAJIV SAHAI ENDLAW, J

JANUARY 05, 2016

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