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

+ **W.P.(C) 709/2016 & C.M.Nos.3005-3006/2016**

**HIMACHAL PRADESH HORTICULTURAL PRODUCE
MARKETING & PROCESSING CORPORATION LIMITED**

..... Petitioner

Through **Mr.Satish Mishra, Advocate.**

versus

TRANSPORT DEPARTMENT GOVERNMENT OF NCT DELHI

..... Respondent

Through **Mr.Anuj Aggarwal, ASC for
GNCTD.**

+ **W.P.(C) 710/2016 & C.M.Nos.3008-3009/2016**

**HIMACHAL PRADESH HORTICULTURAL PRODUCE
MARKETING & PROCESSING CORPORATION LIMITED**

..... Petitioner

Through **Mr.Satish Mishra, Advocate.**

versus

TRANSPORT DEPARTMENT GOVERNMENT OF NCT DELHI

..... Respondent

Through **Mr.Vinod Kumar Bhati, Advocate for
GNCTD.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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27.01.2016

The present writ petitions have been filed seeking a direction to the respondent to renew or extend the licence agreement dated 26th November, 2012 executed between the petitioner and the respondent

for licences of shop nos.57 and 39, ISBT Complex, Kashmere Gate, Delhi till fresh tenders are floated.

It has been averred that the licences of the abovementioned shops are expiring today. Learned counsel for the petitioner states that the petitioner has incurred expenses to install the fixtures at the said shops and the same shall be rendered redundant if the shops are vacated.

Learned counsel for the petitioner refers to the order dated 7th December, 2015 passed in a batch of writ petitions including W.P.(C) No.11333/2015, which were disposed of while granting time to the petitioner therein, who is similarly situated as the petitioner herein, to vacate the shops/kiosks occupied by them till 31st January, 2016 or till the time tenders are issued, whichever is later.

Learned counsel for the petitioner undertakes to this Court that the petitioner shall remove itself from the shops/kiosks in its use and occupation on and before the date the tenders are issued and/or 31st January, 2016, whichever is later and would continue to pay the occupation charges.

Consequently, present writ petitions and applications are disposed of in accordance with the following directions:-

- (i) The petitions are dismissed as withdrawn.
- (ii) However the petitioner is granted time, to vacate the shops/kiosks in its occupation till 31st January, 2016 or till the tenders are issued, whichever is later.
- (iii) If the petitioner is in breach of his undertaking or any part thereof, the tender or application for allotment if any filed by

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him shall not be considered and it would be ineligible on this ground alone.

- (iv) If the petitioner is in breach of its undertaking or any part thereof, the respondents, besides proceeding against him for contempt of undertaking given to the Court, shall be entitled to forcibly remove him from the shops/kiosks.

Copy of order be given *dasti* under the signatures of the Courts Master.


MANMOHAN, J

JANUARY 27, 2016
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