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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 742/2015 & CM APPL. 1318/2015

DHARAM PAL SINGH

Through

..... Petitioner

Mr. Arvind Sah, Advocate

versus

LT. GOVERNOR & ORS.

Through

..... Respondents

Mr. Sunil Goel with Mr. Jatin Kumar,
 Advocates for R-1 and 2 with
 Mr. JMS Rawat, Insp. Excise
 Mr. Narender Kumar Sharma,
 Advocate for R-3.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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18.01.2016

Present writ petition has been filed with the following prayers:-

- a. Call for the records from the office of respondent No. 2 leading to the passing of the impugned order.*
- b. Allow the present writ petition and issue a writ of certiorari quashing the impugned order dated 1-1-2015 passed by the respondent No. 2.*
- c. Pass any other further order as this Hon'ble Court deems fit and proper under the facts and circumstances of the present case."*

At the outset, learned counsel for the respondent nos. 1 and 2 raises a preliminary objection to the maintainability of the present writ petition on

the ground that the impugned order dated 1st January, 2015 is an appealable order under Section 72 of the Delhi Excise Act, 2009. He points out that the tenant-DTTDC has already filed an appeal which is pending before the appropriate authority.

Consequently, present writ petition and application are disposed of with a direction to the petitioner to file an appeal under Section 72 of the Delhi Excise Act, 2009. The appeal is directed to be filed within three weeks.

In the event, petitioner files an appeal within three weeks, the interim order dated 18th February, 2015 passed by this Court shall continue to operate till disposal of the appeal.

It is further clarified that if the appeal is filed within the stipulated period of three weeks, the appellate authority shall not dismiss the appeal on the ground of limitation.

MANMOHAN, J

JANUARY 18, 2016

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