

\$~71

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

% Judgment delivered on: 29.07.2016

+ W.P.(C) 6485/2016 & CM No. 26567/2016

NEERAJ PETER AND ANR. Petitioners

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner :Mr Rajiv Dewan and Mr. Angad Singh, Advocates

For the Respondents : Mr. Inder Raj Ghera and Mr. Prem Mishra, Advocates for DTIDC

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM No. 26568/2016 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) No. 6485/2016

1. Learned counsel for the petitioners, under instructions, from the petitioners who are present in court, submits that the petitioners have been running their respective shops for several years and have made huge investments and would require about three months' time for the purposes of disposal of the existing stocks and for relocation. He submits that the petitioners would not press this writ if time is granted till 31.10.2016 to vacate and hand over the peaceful vacant possession of their shops.

2. Learned counsel for respondents submits that tenders for the said shops have already been invited and the highest bid of Rs. 51,000/- has been received in respect of Shop No. 11 and no bids have been received for Shop No. 4. He submits that in case petitioner no. 2 is being granted time to vacate the premises then she be directed to at least match the amount of the highest bid that has been received. This suggestion is acceptable to the petitioners.

3. In view of the above, the petition is disposed of with a direction to the petitioners to file, within a period of one week, undertaking before this Court, in the form of an affidavit, undertaking that the petitioners shall vacate and hand over peaceful possession of the respective shops in their possession to the respondents on or before 31.10.2016. The undertaking shall state that the petitioner no. 1 undertakes that he shall continue to pay the user and occupation charges at the same rate at which the licence fee was paid till 31.03.2016 and that the petitioner no. 2 undertakes that she shall pay the user and occupation charges from 01.08.2016 till she hands over the peaceful and vacant possession at the rate of Rs. 51,000/- per month.

4. The petitioners shall also state that they undertake not to sublet, assign or part with the possession of the said shop or any part thereof and also that they undertake to continue to comply with the other terms and conditions of their licences.

5. Subject to the petitioners filing the undertaking in the above terms, the respondent shall not take any coercive steps against the petitioner till 31.10.2016. In case the petitioners fail to file the undertaking within the

period of one week, no benefit of this order would be available to them.

6. The petition is disposed of accordingly.

Copy of the Order be issued *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 29, 2016
‘rs’

