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

+ W.P.(C) 6630/2016

B.R.KHOKHA

..... Petitioner

Through: Mr. Lovkesh Sawhney, Advocate

versus

DELHI TRANSPORT CORPORATION

..... Respondent

Through: Ms. Palak Rohmetra, Advocate for

Ms. Avnish Ahlawat, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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08.01.2018

CM APPL. 30187/2017 (by the petitioner for directions)

1. The present application has been filed by the petitioner in a writ petition that was decided on 14.09.2016 stating *inter alia* that the respondent/DTC has failed to make compliances of the directions given in the said judgment.

2. Notice was issued on this application on 23.08.2017, on which date, counsel for the respondent was present. The respondent/DTC was directed to comply with the judgment dated 14.09.2016 within three weeks and file a compliance affidavit within four weeks. It was made clear that in the event compliance is not made or the affidavit not filed, then the Chairman of the respondent/DTC shall remain present on the next date. With these

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directions, the matter was adjourned to 25.10.2017. On 25.10.2017, the Division Bench did not assemble and the matter was adjourned to 08.01.2018, i.e. today. Till date the respondent has not filed the compliance affidavit.

3. Mr. Sawhney, learned counsel for the petitioner states that in this duration, the respondent/DTC has released a sum of Rs.20 lakhs (approx.) in favour of the respondent, but the payment made is still short by Rs.13 lakhs (approx.). He submits that it is for this reason that a fresh application for additional relief has been filed by the petitioner (CM APPL. 45502/2017).

4. Counsel for the respondent/DTC has no explanation to offer for the non-compliance of the order dated 23.08.2017 except for stating that the entire amount as due and payable by the respondent/DTC to the petitioner has already been released. This is neither here nor there. When the respondent/DTC had released a sum of Rs.20 lakhs (approx.) in favour of the petitioner, it ought to have given a breakup of the said amount, for the petitioner's understanding, which had not been done. Yet again, counsel for the respondent/DTC seeks further time to file compliance affidavit.

5. Subject to payment of costs of Rs.5,000/- to the petitioner for seeking an adjournment today and for not complying with the order dated 23.08.2017, last opportunity of three weeks is granted to the respondent/DTC to give a breakup of the amount already released in favour of the petitioner alongwith a compliance affidavit. If the said affidavit is not filed within three weeks, then the Chairman, DTC shall remain present.

6. List on 21.02.2018.

CM APPL. 45502/2017 (by the petitioner for directions) and CM APPL. 45503/2017 (exemption)

1. Counsel for the petitioner states that for the present, he does not wish to press these applications but reserves the right of the petitioner to seek appropriate legal remedies against the respondent/DTC in the event, compliance of the order dated 14.09.2016 is not made, as directed.
2. Leave, as prayed for, is granted. The applications are disposed of.

HIMA KOHLI, J

VINOD GOEL, J

JANUARY 08, 2018

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