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

% Judgment delivered on: 29.07.2016

+ W.P.(C) 6586/2016 & CM Nos. 27027/2016, 27029/2016

RAMESH KUMAR Petitioner

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner :Mr Sanjeev Narula and Mr. Abhishek Ghai, Advocates

For the Respondents : Mr. Shadan Farasat and Mr. Ahmed Said, Advocates
Mr Prem Mishra, Law Officer with Mr. Inder Raj Gera, Supt. for
DTIDC

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

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM No. 27028/2015 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) No. 6586/2016

1. The petitioner impugns the Notice Inviting Tender bearing No. DTIDC/612/June/2016 dated June, 2016 inviting bids for licensing shops/kiosks at ISBTs Anand Vihar and Sarai Kale Khan.

2. It is contended that the petitioner was allotted a Shop No. B-2 at Platform No. B, at ISBT Anand Vihar. Learned counsel for the petitioner submits that possession of Shop No. B-2 at Platform No. B, at ISBT Anand Vihar. has been surrendered to the respondent in terms of the undertaking given to this Court in order dated 02.05.2016 in WP(C) 1520/2015 titled Rajiv Nanda vs. Govt. of NCT of Delhi. She has produced a copy of the handing over and taking over receipt. The same is taken on record. This fact is confirmed by the counsel for the respondent.

3. Learned counsel for the petitioner submits that the petitioner has been running the shop for several years and has made huge investments, he requires at least three months time for the purpose of disposal of existing stock and relocation. She submits that the petitioner would not press the present petition if the petitioner is granted time to vacate and handover the peaceful vacant possession of the said shop by 31.10.2016. She prays that time may be granted as has been granted to other shop owners by this Court on 20.07.2016 in WP(C) 6103/2016 titled Harbans Singh vs. Govt. of NCT of Delhi. She further submits that the respondents have invited tenders in respect of various shops in the said ISBT and she would like to participate in the tender process.

4. Learned counsel for the respondents submits that the tender is an open tender and there is no restriction on the petitioner participating in the tender subject to the petitioner complying with the other terms and conditions and not claiming any equities on the basis of the existing allotment.

5. In view of the above, the petition is disposed of with a direction to the petitioner to file, within a period of one week, undertaking before this Court, in the form of an affidavit, undertaking that the petitioner shall vacate and hand over peaceful vacant possession of the shops in his possession to the respondents on or before 31.10.2016. The petitioner shall also undertake that in case the petitioner is successful in the tender and succeeds to a shop other than the shop, which the petitioner is occupying, then the petitioner shall shift to the new shop within two days of handing over of the possession of the new shop. Under no circumstance, the period shall extend beyond 31.10.2016.

6. The petitioner shall undertake not to sublet, assign or part with the possession of the said shop or any part thereof. He shall also undertake that he shall continue to pay the user and occupation charges, till he hands over the peaceful and vacant possession, at the same rate at which the licence fee was paid till 31.03.2016. He shall also continue to comply with the other terms and conditions of his licences.

7. Subject to the petitioner 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 petitioner fails to file the undertaking within the period of one week, no benefit of this order would be available to him.

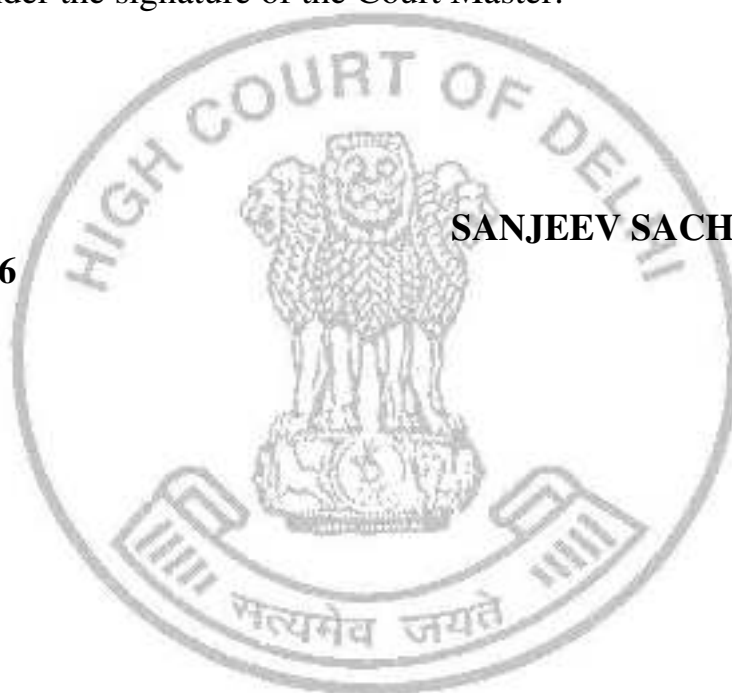
8. The respondents are free to proceed with the NIT. The petitioner would be at liberty to participate in the subject NIT. In case the petitioner is

successful in the NIT, he would be granted licence in accordance with the NIT subject to him complying with the other terms and conditions of the NIT. It is clarified that no special equities, in respect of the subject NIT, would flow to the petitioner on the basis of this order.

9. The writ petition is disposed of in the above terms.

10. *Dasti* under the signature of the Court Master.

JULY 29, 2016
‘rs’



SANJEEV SACHDEVA, J