

\$~72

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

%

Judgment delivered on: 29.07.2016

+ **W.P.(C) 6616/2016 & CM No. 27117/2016**

VIJAY NAGPAL

..... Petitioner

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. Arun Kumar Panwar and Ms. Aayushi Gupta, Advocates for
Mr. Raman Duggal, Standing Counsel for GNCTD
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. 27118/2016 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) No. 6616/2016

1. Learned counsel for the petitioner, under instructions, from the petitioner who is present in court, submits that the petitioner has been running his shop for several years and has 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 petitioner not press this writ if time is granted till 31.10.2016 to vacate and hand over the peaceful vacant possession of his shops.

2. Learned counsel for respondents submits that tenders for the said shop have already been invited and the highest bidder with a bid amount of Rs. 1,26,000/- in respect of the said shop. He submits that in case petitioner is being granted time to vacate the premises then he be directed to at least match the amount of the highest bid that has been received. This suggestion is acceptable to the petitioner.

3. 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 possession of the shop in his possession to the respondents on or before 31.10.2016. The undertaking shall state that the petitioner undertakes that he shall pay the user and occupation charges from 01.08.2016 till he hands over the peaceful and vacant possession at the rate of Rs. 1,26,000/- per month.

4. The petitioner shall also state that he undertakes not to sublet, assign or part with the possession of the said shop or any part thereof and also that he undertakes to continue to comply with the other terms and conditions of his licence.

5. 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.

6. The petition is disposed of accordingly.

SANJEEV SACHDEVA, J

JULY 29, 2016
'rs'

