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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7022/2016 & C.M. Nos.28909-10/2016**
SOUTH DELHI MUNICIPAL CORPORATION

..... Petitioner

Through Ms. Puja Kalra, Adv.

versus

ANJUL GUPTA & ORS

..... Respondents

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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09.08.2016

This petition is not maintainable. The petitioner is aggrieved by an order dated 04.02.2016 passed by the ATMCD wherein the property in question had been directed to be de-sealed pursuant to the petitioner therein paying misuser charges calculated on an area of 441.06 square meters. Contention of the petitioner is that even as per the self-assessment carried out by that petitioner in an on-line registration, he had calculated the area from where he was running his trade as 805 square meters. This also finds mention in the impugned order dated 04.02.2016. Contention of the petitioner is that the respondents are liable to pay misuser charges calculated at 805 square meters and not 441.06 square meters. Additional submission is that the contempt proceedings have been initiated by the respondents against the petitioner as the property has not been de-sealed; submission of the petitioner on this count being that the mis-user

charges should have been paid at the rate of 805 square meters and not 441.06 square meters.

Admittedly, the respondents have since deposited the amount of Rs.10,97,837/-. This Court is of the view that the petitioner has come to this Court only when the sword of contempt has been hung over the head of the Corporation. If the petitioner was aggrieved by this calculation of 441.06 square meters, it was open to the petitioner to have approached the ATMCD for a clarification. Admittedly, the same has not been done. The petitioner in fact took it upon himself to write to the respondents asking them to pay the mis-user charges at 805 square meters which was definitely not in consonance with the order of the ATMCD dated 04.02.2016.

This petition is disposed of with liberty granted to the petitioner to approach the ATMCD for further clarification. Let status quo of the property be maintained till 10.08.2016.

Order dasti under the signature of the Court Master.

INDERMEET KAUR, J

AUGUST 09, 2016

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