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

+ **W.P.(C) 10487/2016**

M/C RICHI STORE

..... Petitioner

Through : Mr Parinav Gupta, Mr Pardeep Gupta
and Ms Mansi Gupta, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through : Ms Aayushi Gupta, Mr Akshay
Choudhary and Mr Raman Duggal,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **07.11.2016**

CM No.41138/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 10487/2016 & CM No.41137/2016(stay)

The petitioner, by the present petition, seeks quashing of suspension-cum-show cause notice dated 06.08.2016, *inter alia*, on the ground that Regulation 4 of the Delhi Specified Articles (Regulation of Distribution Order), 1981 stipulates that the maximum period of suspension is three months. It is contended that in the said period of three months, the respondent – Deputy Commissioner has to give an opportunity of hearing and take a decision.

It is contended that the respondent has even on expiry of three months not taken a final decision in the matter.

Learned counsel for the respondent, who appears on advance notice, submits that the petitioner was asked to appear on 10.08.2016 but the petitioner did not appear and for the first time, appeared on 15.10.2016. It is contended that the petitioner initially was given an opportunity to file a reply by 05.11.2016. However, since reply was not furnished till that date, another opportunity has been given to the petitioner to file reply by 09.11.2016.

It is contended that the period between 10.08.2016 (the date when petitioner was asked to appear) and 15.10.2016 (the date when the petitioner, for the first time, appeared), is liable to be excluded. It is contended that the respondent shall take a decision within the period of three months excluding the said period.

Learned counsel for the petitioner seeks leave to withdraw the petition with liberty to approach the respondent in case the respondents do not expeditiously decide the show-cause notice or in case the decision is against the petitioner.

The petition is accordingly dismissed as withdrawn with liberty to the petitioner, as prayed.

Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 07, 2016
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