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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10595/2016

HONSHU BUILDCON PRIVATE LIMITED Petitioner

Through Mr.B.L.Wali, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through Mr.Sri Harsh Peechara, ASC for
SDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **08.11.2016**

C.M. No.41605/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 10595/2016 & C.M. No.41604/2016

Petitioner has been allotted a parking site at Okhla Industrial Area, New Delhi. This was vide allotment letter dated 28.6.2016. The petitioner in terms of the allotment has to pay advance licence fee which was Rs.6,56,101/- per month. The apprehension of the petitioner is that his parking site would be cancelled for no reason. Additional submission is that in case the respondent wishes to cancel his licence of the parking site he should be notified before the same is done.

On advance notice, respondent has put in appearance. Learned counsel for respondent under instructions submits that the petitioner has not honoured the terms of the allotment dated 28.6.2016. He was required to pay licence fee in advance which he has failed to do so. For the month of August, 2016 the payment was received only

sometime in September, 2016 and for the later months of September and October, 2016 the payment has been deposited by the petitioner just about three days ago. This position is not disputed. Learned counsel for petitioner submits that he has been penalized for no action of the petitioner; the Health Department of the respondent has issued a challan to M/s Mercedes Benj and Others for a reason that garbage has been collected at the site. Submission is that such a reputed car park holder would not allow garbage to accumulate at the site. This position is disputed by the respondent.

Be it may, this Court notes that this challan which has been issued was not in the name of the petitioner and the petitioner is advised not to connect that challan with the non-payment of his licence fee which he has to pay in advance to the respondent in advance in terms of its allotment.

Learned counsel for respondent additionally, submits that in case these payments are continuously made in terms of the allotment dated 22.8.2016 the respondent has no intention to cancel the licence of the petitioner. This statement of the respondent is taken on record.

This Court also notes that in case the respondent feels that the licence fee of the petitioner at any stage is liable to be cancelled, the same shall be done only after due notice to the petitioner.

No further orders are called for in this petition.

Petition is disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 08, 2016

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