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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1595/2017**
MANOJ KUMAR

..... Petitioner

Through Mr.B.L.Wali, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Mr.Rakesh Mittal, Standing Counsel
for SDMC/R-1.
Mr.Pawan Mathur, Standing Counsel
for DDA.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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21.02.2017

C.M. No.7198/2017 (exemption)

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

W.P.(C) 1595/2017 & C.M.No.7197/2017

The case of the petitioner is that he was allotted a parking site at Road Nos.1,4 and 5, Bhikaji Cama Place, New Delhi. This site was being managed at that point of time by the DDA. Contention is that the earlier licence fee of Rs.5,29,500/- proposed was thereafter reduced by the DDA in terms of its communication dated 22.01.2015.

The averments in the petition disclose that the petitioner up to date has paid a sum of Rs.26,47,500/- which amount as per him has

been paid to the DDA. This amount being over & above the licence fee payable by him he is entitled to a refund.

It is an admitted position that vide an office order transfer of parking sites in Delhi from DDA to the respective Municipal Corporations had been done; this was sometimes in June, 2016. The date is not clear to either of the respondents i.e. either to the SDMC or the DDA (whose counsels are present in Court).

Learned counsel for the SDMC points out that the SDMC was constrained to cancel the parking site of the petitioner as a huge amount of licence fee was due from the petitioner; the admitted out of Rs.26,47,500/- allegedly paid by him is much below the actual amount due from him. Learned counsel for the SDMC further submits that the SDMC has already taken over the possession of the site; submission being that nothing really survives in this petition.

This Court is of the view that the averments in this petition be treated as the representation of the petitioner to the SDMC who shall answer the same in accordance with law. Needful be done within period of three weeks today. For this purpose the record of the DDA would be necessary. This Court notes the submission of the DDA that the record has already been transferred to the SDMC.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

FEBRUARY 21, 2017/ndn