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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17915/2005 & CM Nos. 11537/2005, 43070/2016

SHAM GOPAL DIWAN

..... Petitioner

Through: Mr J. S. Endlaw and Mr Parmesh,
Advocates.

versus

UOI & ANR

..... Respondents

Through: Mr Dev P. Bhardwaj, CGSC for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.10.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Issue a Writ, Order or Direction quashing the demand of the Respondent No.1 for mis-use charges with respect to Property No.63, Babar Road, New Delhi-110001 for the reason of the use of the ground floor of the said property by the Respondent No.2 and be further directed not to hold up the conversion of the Lease-hold rights in the land into free-hold for the reason of non-payment of the said mis-use charges.”

2. Admittedly, respondent no. 1 is entitled to insist on payment of misuse charges as a condition to permit conversion of the property from leasehold to freehold.
3. The other controversy sought to be raised was with regard to the respondent nos. 2's liability to pay misuse charges. The learned counsel appearing for the petitioner had contended that the misuse charges levied in respect of the ground floor of the premises bearing 63, Babar Road, New Delhi-110001 were to be paid by respondent no.2 (Central Bank of India) as respondent no.2 was in occupation of the said premises. The learned counsel

for respondent no.2 had disputed this claim.

4. The learned counsel for the petitioner and respondent no.2 now submit that the aforesaid dispute has been resolved and respondent no.2 has agreed to pay a sum of ₹67,96,337 on account of any misuse charges levied by respondent no.1. The learned counsel for the petitioner states that the petitioner shall bear the balance amount of misuser charges and will not claim any further sum from respondent no.2.

5. In the circumstances, respondent no. 1 is directed to compute the misuse charges after taking into account and adjusting the payments already made by the petitioner, and communicate the same to the petitioner within a period of two weeks from today.

6. Thereafter, the petitioner is at liberty to make a representation to respondent no.1 with regard to the computation of the misuser charges. The same shall be considered and disposed of within a period of four weeks of such representation being made.

7. The petitioner and respondent no.2 shall file an affidavit affirming the terms of their statement as indicated above. The said affidavits be filed within a period of two weeks from today.

8. In view of the above, the learned counsel for the petitioner does not seek to press for any further relief at this stage while reserving the rights of the petitioner to agitate his grievances, if necessary.

9. The petition and pending applications are, accordingly, disposed of.

VIBHU BAKHRU, J

OCTOBER 24, 2017/MK