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

+ **W.P.(C) 2827/2017**

M/S BATHLA TRADING COMPANY

..... Petitioner

Through Mr. B. L. Wali and Mr. Brijesh
Kumar, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through Mr. Mukesh Gupta, Standing Counsel

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **28.03.2017**

CM APPL No. 12340/2017

Exemption allowed subject to all just exceptions.

Application disposed of.

W.P.(C) 2827/2017 and CM APPL No. 12339/2017

Petitioner before this Court is M/s. Bathla Trading Company. He had been allotted a parking site on 18.04.2016 on a monthly licence fee w.e.f. 10.05.2016. This operational parking site was at District Centre, Janakpuri, New Delhi granted at a monthly licence fee of Rs. 3,65,500/-. The contention of the petitioner is that this parking site is not hurdle free and the Delhi Jal Board is creating a hurdle; the sewer line are being repaired. By way of this petition the petitioner seeks to pay proportionate license fee as his submission is that the whole site is not available to him.

On advance notice learned counsel for respondent / South Delhi Municipal Corporation has put in appearance. Learned counsel for the respondent submits that this petition is premature; it is not

maintainable. Submission is that a letter had been sent to the petitioner asking him to pay all dues as he is not paying monthly license fee. On 06.01.2017 the petitioner had written to the respondent informing him about this afore noted hurdle for which learned counsel for the respondent points out that a communication has already been addressed to the Delhi Jal Board and the Delhi Jal Board vide its letter dated 02.12.2016 is looking into the matter.

A letter dated 25.01.2017 has been placed on record which is a letter addressed by SDMC to the Executive Engineer of the Delhi Jal Board. Submission of the respondent being that the matter is already subjudice before the Department.

This Court notes that the representations of the petitioners dated 06.01.2017 and 13.01.2017 are already before the Department, the Department shall consider them and answer them in accordance with law within an outer limit of four weeks from today. The show cause notice dated 28.02.2017 will be kept in abeyance till the disposal of the representations of the petitioners. Submission of the respondent that the petitioner has not paid licence fee is also noted.

Petition disposed of.

Order dasti under signatures of Court Master.

INDERMEET KAUR, J

MARCH 28, 2017

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