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

+ W.P.(C) 3320/2017

HONSHU BUILDCON PRIVATE LIMITED Petitioner

Through: Mr. Kirtiman Uppal, Sr. Adv. with
Mr. Rajesh Gupta, Mr. Manpreet
Singh, Mr. Siddharth Chopra and Mr.
Brijesh Kumar, Advs. with Mr.
Akram Ahmed and Mr. Mohsin
Anwar, Directors of petitioner's
company.

versus

SOUTH DELHI MUNICIPAL CORPORATION..... Respondent

Through: Mr. Mukesh Gupta, Adv. for SDMC
with Mr. Rakesh Kumar, Supdt. and
Mr. Ramesh Sharma, UDC from R.P.
Cell Department.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **03.05.2017**

1. Learned counsel for the respondent submits that the competent authority has cancelled the licence of parking site of the petitioner on 01st May, 2017 vide letter dated 01st May, 2017. Copy of the same is handed over and taken on record. Copy of the same is given to the learned counsel for the petitioner in Court.

2. Mr. Akram Khan and Mr. Mohsin Anwar, Directors of the petitioner company are present in Court and they tender an unconditional apology. Mr. Akram Khan and Mr. Mohsin Anwar, Directors of the petitioner's company submit that they were unable to arrange the funds for clearance of the cheques and, therefore, could not comply with the undertaking given to

this Court that the cheques shall be honoured on their presentation. Without prejudice to their rights and contentions, Mr. Akram Ahmed and Mr. Mohsin Anwar, Directors of the petitioner's company undertake to pay Rs.8,00,000/- to the respondent within four weeks towards the charges for the period 18th April, 2017 to 01st May, 2017.

3. The undertaking of the petitioners is accepted. The apology of the petitioners is accepted subject to the payment of Rs.8,00,000/- by the petitioner to the respondent within four weeks in terms of the undertaking given to this Court today.

4. The writ petition is dismissed as withdrawn. However, liberty is given to the respondent to approach this Court in the event of violation of the undertaking by the petitioners.

5. Learned counsel for the petitioner submits that the petitioner is entitled to the refund of security deposit after adjustment of the outstanding dues of licence fees which is disputed by learned counsel for the respondent who submits that the security deposited has been forfeited. Since this writ petition has been dismissed as withdrawn, the parties are at liberty to pursue legal remedies in accordance with law to agitate their respective contentions.

6. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MAY 03, 2017

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