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

+ **W.P.(C) 6187/2017**

SHRI VARDAN TIWARI

..... Petitioner

Through Ms. Rajeshwari, Adv.

versus

**NORTH DELHI MUNICIPAL CORPORATION THROUGH TIS
COMMISSIONER & ANR**

..... Respondents

Through Ms. Mini Pushkarna, St. Counsel for
R-1 with Ms. Anushruti and Ms.
Vasundhara Nayyar, Advs with Mr.
Sanjay Rai, DA, Parking, RP
Cell-North DMC

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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24.07.2017

Petitioner assails demand-cum-show cause notice dated 03.07.2017, issued by the respondents. Demand is for the alleged outstanding dues payable for the parking site at Model Town-II, Civil Line Zone, Delhi allotted to the petitioner in an e-auction held on 13.10.2016 as a contractor. Show cause appears to be for blacklisting on account of the default in paying the outstanding dues. During the course of hearing, Ms. Pushkarna, Ld. counsel for the respondent submits that the impugned communication is to be treated only as a demand in as much as for the purposes of blacklisting, if required, a separate show cause notice shall be issued by the respondents.

Ld. counsel for the petitioner on her part submits that impugned

demand is not justifiable *inter alia* for the reason that at the time of handing over the parking site, damaged vehicles were lying parked therein and the entire site has not been available to the petitioner for the purpose, it was allotted and therefore, the petitioner was also entitled to proportionate remission. Ld. counsel for the respondent states that the respondent shall look into the pleas raised in the instant petition, but, the petitioner is required to deposit, atleast, the amounts admittedly due and payable.

Keeping in view of the totality and circumstances, it is directed that subject to the petitioner depositing Rs.2.50 lacs with the respondents within five days from today, the respondents shall decide the pleas raised by the petitioner in the instant writ petition by a speaking order, within six weeks of the deposit of said amount, which shall be conveyed to the petitioner, within a week of such decision. Petitioner shall also be given hearing before taking a decision in the matter. Petitioner would be at liberty to have legal recourse thereagainst, if need be, as may be available to her.

Petition stands disposed off accordingly.

A. K. CHAWLA, J

JULY 24, 2017

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