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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7621/2017 & CM APPLs. 31514-31515/2017
NAZIM HUSSAIN & ORS Petitioners
Through Mr. Ajay Kasana, Ms. Chetna Singh
and Ms. Manu Padalia, Advs.
versus
EAST DELHI MUNICIPAL CORPORATION Respondent
Through Ms. Mini Pushkarna, Standing
counsel, Ms. Vaundhara Nayyar and
Ms. Anushruti, Advs.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **30.08.2017**

Petitioner are said to be small time traders engaged in the business of selling meat from their meat shops. Challenge in the instant petition is to the extent of late fee/penalty imposed for renewal of their meat trade licences for the year 2016-17.

In sum and substance, the instant petition is the outcome of a policy drawn by the respondent, wherein, for the renewal of the trade licence, the respondent issued a policy, which inter alia, required obtention of NOC from the Municipal Councillor of the area. Policy to the extent of traders requiring NOC from the Municipal Councillor was quashed by this Court vide its judgment dated 31.5.2016 in WP(C) 4881/2016. Till the time the policy to that effect came to be quashed, the respondent did not renew the licences of the petitioners for the reasons that NOC was required to be obtained from the Municipal Councillor of the area. It is a matter of record that in pursuance of the judgment dated 31.5.2016, the respondent issued

office order only on 6.3.2017 that there was no requirement of obtention of NOC from the Municipal Councillor. Petitioners submit that they got to know of such office order only sometime later and applied for the trade licence on different dates during April to June, 2017. Broadly, according to the petitioners, when the respondent by itself issued office order only on 6.3.2017 and earlier thereto, it was not issuing licences otherwise, the question of payment of any late fee did not arise, at least, till the time the office order dated 6.3.2017 came to be issued and the grace period attracted thereof, which, according to the petitioners, was of three months. In the submissions of the ld. counsel for the petitioners, if, three months grace period is counted from 6.3.2017, even then, till 5.6.2017, no late fee can be charged for the renewal of the licences of the petitioners from March, 2016. Submissions of the ld. counsel for the petitioners are well founded, just and proper.

In view of the foregoing, the petition is disposed off, with the directions that for the renewal of the licences of the petitioners w.e.f. 1.4.2016 till the expiry of grace period, as is permissible, from the date of issuance of office order dated 6.3.2017, no late fee shall be chargeable from the petitioners for the renewal of their licences, subject to the petitioners making payment of other dues as are permissible as per the laws or the bye-laws of the respondent. Petition as also the pending applications are disposed off accordingly.

A. K. CHAWLA, J

AUGUST 30, 2017/rc