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

+ **W.P.(C) 7857/2017**

RAKESH KUMAR JHA

..... Petitioner

Through

Mr. P.S. Rana, Mr. Ratnesh Kant, Mr. Jitendra Kumar Jha, Ms. Disha Passi and Mr. Amit Prakash, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through

Ms. Mini Pushkarna, Standing Counsel, Ms. Vasundhara Nayyar and Ms. Anushruti, Advs. with Mr. Ashwini Mathur, JLO, RP Cell and Mr. Sanjay Ray, SSA, RP Cell, North DMC.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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07.09.2017

Matter relates to the parking site lying allotted to the petitioner earlier. Ld. counsel for the petitioner submits that the petitioner is being denied participation in the fresh auction/bidding of the parking site, on account of alleged arrears of dues on the previous allotment.

As per the status report filed on behalf of the respondent, which has come to be handed over during the course of hearing, there are outstanding arrears to the tune of Rs.37,51,604/- towards the licence fee payable over the period from February, 2015 till September, 2017. Ld. counsel for the petitioner strenuously contends that the parking site actually available to the petitioner was only about 20%, inasmuch

as, 80% of it was occupied by others, to the very knowledge of the respondent. Now, when the matter has been taken up in the post-lunch session and the subject file is available with Ms. Pushkarna, ld. standing counsel for the respondent, it emerges that the record of the respondent itself records that only 19% of the parking site was actually available to the petitioner and representations made by the petitioner since March, 2015 and thereafter, have not yet been decided, is conceded to on behalf of the respondent. Strange are the ways, in which the respondent is dealing with its affairs and the concerned officers/officials are discharging their statutory duties/obligations. Ld. counsel for the petitioner submits that the amount already deposited by the petitioner with the respondent is in excess of 20% of actually due and payable by the petitioner under the subject contract. Ms. Pushkarna, on instructions, submits that the amounts deposited by the petitioner towards the licence fee fall 2% less/short of 20% and therefore, to arrive at a figure @ 20% towards licence fee, the shortfall would be of about Rs.2,00,000/- only.

Keeping in view the totality of the facts and circumstances, it is directed that the respondent shall issue No Objection Certificate to the petitioner to enable him to participate in the bid scheduled for tomorrow, and, within five days from today, the petitioner shall deposit with the respondent a sum of Rs.2,00,000/-, subject to the adjustments being made on the decision taken on the representations of the petitioner, within two months from today. In the event, the petitioner fails to deposit a sum of Rs.2,00,000/- within five days from today, the respondent shall be at liberty to not to

consider/process the bid of the petitioner any further. Respondent shall also be at liberty to take any further action(s), as may be required under the laws/bye-laws or the terms of offer or contract on the decision taken on merits on the representations of the petitioner lying pending with it. Petition stands disposed off accordingly.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

SEPTEMBER 07, 2017

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