

\$~36

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

+ **W.P.(C) 9712/2017 & CM APPL. 39531-39532/2017**

MOHD. IRSHAD. Petitioner
Through : Mr. Thakur Sumit, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent
Through : Mr. Rakesh Mittal, St. Counsel with
Mr. Kamlesh Anand and Ms. Yamini
Mittal, Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **03.11.2017**

Petitioner, who is a parking contractor, has approached this Court, *inter alia*, seeking issuance of a writ of mandamus with the prayers as follows:-

- “a) admit the present Writ Petition;**
- b) call for the complete relevant records from Respondent pertaining to Open Tender Notice bearing No.RPC/SDMC/2017/D-610 dated 28.11.2016 in so far as the same relates authorized parking site of Group V, A Block side at Plot No.62-63, Nehru Place;**
- c) direct the respondent (SDMC) to forthwith refund security deposit/performance guarantee equivalent to three months Monthly License Fees amounting to Rs.14,10,000/- (Rupees Fourteen Lakhs Ten Thousand) along-with interest @ 18% w.e.f. 01.06.2017 to the petitioner;**
- d) award the costs of the proceedings in favour of the Petitioner and against the Respondent; and**
- e) pass such other relief(s) and further relief(s) which this Hon’ble Court may deem fit and proper in the facts**

and circumstances of the present case in favour of the Petitioner and against the Respondent.”

During the course of hearing, learned counsel for the petitioner concedes that the term of the contract of the subject site has expired and the only issue is as regards the refund of security deposit/performance guarantee deposited by the petitioner under the subject contract. During the course of hearing, Mr. Mittal, learned counsel for the respondent-SDMC, has handed over a copy of the show cause notice dated 20.09.2017 to the learned counsel for the petitioner seeking show cause as to why the petitioner be not blacklisted and security amount be forfeited. Mr. Mittal handing over a copy of the said communication submits that the instant petition can be treated as a response to the show cause notice and that the competent authority taking into account the instant petition and the documents annexed therewith, pass a speaking order at the earliest and give a personal hearing to the petitioner, if required.

Petition is disposed off in terms of the statement that has come to be made by Mr. Mittal. Let the Competent Authority decide the show cause notice and pass a speaking order giving an opportunity of hearing to the petitioner, if called for within four weeks from today.

Petition is disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 03, 2017
SRwt