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

+ W.P.(C) 11375/2017

M/S A-ONE CAR CARE Petitioner

Through: Mr. Varun Mishra and Mr. Ibad
Mushtaq, Advs.

versus

INDIAN OIL CORPORATION Respondent

Through: Ms. Mala Narayan and Ms. Neha
Dawar, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **19.12.2017**

CM No.46423/2017

Allowed, subject to just exceptions.

W.P.(C) 11375/2017

1. The petitioner has challenged the judgment dated 26th October, 2017 whereby the appeal under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 has been dismissed.
2. On 21st September, 2004, the respondent awarded contract to the petitioner to operate the service station including the petrol/diesel pollution check machine at Jungpura petrol pump for a period of two years from 01st December, 2004 to 30th November, 2006. On 30th November, 2006, the contract was extended on the condition that the petitioner shall stop the facilities within 48 hours of receiving the communication for vacation. On 05th December, 2013, the respondent terminated the contract and called

upon the petitioner to vacate the service station as well as pollution check machine within two days. The petitioner failed to comply with the letter dated 5th December, 2013 whereupon the respondent initiated proceedings for eviction against the petitioner which resulted in the eviction order dated 18th November, 2015. The petitioner challenged the eviction order under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 before the District Judge which resulted in the dismissal of the appeal on 26th October, 2017.

3. Learned counsel for the petitioner urged at the time of hearing that the petitioner is a licensee in the subject premises and he cannot be evicted as the respondent has no bonafide requirement. It is submitted that the respondent cannot evict the petitioner for commercial reasons. Reference is made to the Government guidelines dated 30th May, 2002. Learned counsel for the petitioner further submits that the petitioner has paid up to date licence fee.

4. Learned counsel for the respondent present in Court on advance notice submits that the respondent had already taken over the service station and the pollution check machines except one room for which the action is planned for 20th December, 2017.

5. The law with respect to the licence is well settled. The licensee has no right to continue the occupation upon revocation of the licence. Thus, the petitioner has no right to continue the occupation after the revocation of the licence on 05th December, 2013. The guidelines dated 30th May, 2002 referred to by the petitioner have no application to the present case.

6. Learned counsel for the respondent submits that the petitioner has deliberately delayed the proceedings before the Appellate Court which continued for about two years.

7. This petition is gross abuse and misuse of process of law. The

petitioner's licence was terminated on 05th December, 2013 and the petitioner continued the occupation for four years.

8. The petition is dismissed.

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

J.R. MIDHA, J.

DECEMBER 19, 2017
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