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

+ LPA 39/2017 & CM APPL.1730/2017

SURINDER NAYYAR & ORS

..... Appellants

Through: Ms. Anusuya Salwan and Ms. Nikita
Salwan, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Mukesh Gupta, Standing
Counsel with Ms. Shashi Gupta and
Ms. Nupur Manttu, Advocates with
Mr. Ajay Gautam, E.E.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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29.01.2018

The appellant is aggrieved of the order of Single Judge rejecting its writ petition with respect to reimbursement/recovery of quality checking charges. It is contended that the policy framed in 2014 has been made to apply from a prior date and consequently, resulting into breach.

Learned Single Judge was of the opinion that the circulars relied upon in the writ petition were for internal use and could not have been relied upon in the circumstances of the case. During the course of hearing, the Court has expressed the opinion that the issue

sought to be agitated is essentially a Civil cause – ought to be the subject matter of Civil suit. Upon instructions, learned counsel for the appellant submitted that the appeal may be permitted to be withdrawn, with the liberty to approach the Civil Court. It is requested that the respondent should be appropriately restrained from recovering any charges for a period of one week, during which period, the suit would be filed.

In view of the statement made, the appellant is granted liberty to approach the Civil Court. The respondent is directed not to initiate any proceedings for recovery of amounts pursuant to the circulars in question, for at least one week from today. Any request for interim order or injunction shall be considered on its own merits.

The observations of the learned Single Judge on the merits of the petition shall not be treated as binding or conclusive in any manner whatsoever. All rights and contentions of the parties are reserved. The appeal alongwith pending application is dismissed as withdrawn, but, in the above terms.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 29, 2018

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