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

+ **W.P.(C) 4392/2018**

SHRI VIJAY KUMAR GUPTA

..... Petitioner

Through: Mr. Rakesh Tikku, Sr. Adv. with
Ms. Nidhi Mohan Parashar, Adv.

versus

**NORTH DELHI MUNICIPAL CORPORATION AND
ANR.**

..... Respondents

Through: Ms. Mini Pushkarna, Standing
counsel with Ms. Swagata Bhuyan,
Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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02.05.2018

CM. No.17020/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4392/2018

Present petition has been filed by the petitioner with the following prayers:

“It is most respectfully prayed that this Hon’ble Court may be pleased to:

a. Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No.1 to fix proportionate monthly licence fee in terms of the area of the Parking Site in possession of the petitioner with effect from to time in terms of Annexure P-37 as per the terms of the contract;

b. Pass an order quashing and setting aside all demand notices cum show cause notices including

demand cum show cause notice dated 20.06.2017 and the Notice of Demand dated 29.09.2017 whereby the Respondent No.1 is seeking to claim full monthly license fee w.r.t the entire Parking Site;

c. Pass an order directing the Respondent No.1 to issue a letter of extension of term of the Agreement for Allotment to the Petitioner with the appropriate Monthly License Fee as per terms and conditions of the allotment;

d. Pass an order directing the Respondent No.1 to reconcile the accounts of the petitioner and;

e. Pass an order, writ or direction restraining Respondent no.1 from initiating or pursuing any coercive action against the Petitioner without considering the representations for proportionate decrease of MLF issued by the petitioner;

f. Pass such order or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

After some submissions, Mr. Rakesh Tikku, learned Sr. Counsel appearing for the petitioner states, for the time being, petitioner would be satisfied if the respondents consider the writ petition, the grounds and the documents annexed therewith as a representation on behalf of the petitioner and pass a speaking order.

Ms. Mini Pushkarna, learned Standing Counsel appearing for the respondent / NDMC is agreeable to the above submission made by Mr. Tikku and states, the order shall positively be passed within four weeks. If that be so, respondents shall consider the writ petition, grounds and the documents annexed therewith and also give a hearing to the petitioner / his representative on a notified date and time to be communicated to the petitioner and pass a speaking order within four weeks as an outer limit.

If the order to be passed is to the prejudice of the petitioner, the same shall not be given effect to for one week from the date of the order. Suffice to state, this Court has not expressed itself on the merit of the case.

The petition is disposed of.

CM. No. 17019/2018 (for direction)

In view of the order passed in the writ petition, the application has become infructuous and disposed of as such.

A copy of this order be given *dasti* under the Signatures of the Court Master.

V. KAMESWAR RAO, J

MAY 02, 2018/jg