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

+ **W.P.(C) 6543/2018 & CM No.24972/2018**

**DELHI AGRICULTURAL MARKETING  
BOARD & ANR.**

..... Petitioners

Through: Ms.Avnish Ahlawat, Standing  
counsel with Mr.N.R. Singh, Adv.

versus

**EAST DELHI MUNICIPAL CORPORATION** ..... Respondent

Through: Ms.Mini Pushkarna, Standing  
Counsel with Ms.Swagata and  
Ms.Shiva Pandey, Advs.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

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**04.06.2018**

Both the counsels agree that the main issue which is the bone of contention between the parties, as to whether the Petitioners are carrying on commercial activities as per Section 2(l) of the Delhi Agricultural Produce Marketing (Regulations) Act, 1998, is pending in Writ Petition (C) 150/2018.

The same issue in respect of Petitioner No.2 is also pending before the Appellate Tribunal constituted under the Act. The Tribunal vide order dated 4th May 2018, directed the Appellant no.2 to deposit a sum of Rs. 1.5 crores, which Ms.Ahlawat submits, has been done. As per learned counsel for the Petitioner, the grievance of the Petitioner herein is that the impugned order dated 29<sup>th</sup> March, 2018, attaches the bank accounts of the Petitioners to the tune of ₹94 crores when even as per the Respondent, the alleged due

amount is only ₹16.99 crores.

The Petitioner submits that more than ₹8 crores has already been deposited with the corporation. Since the legal issue is pending before the Writ Court and before the Tribunal, and at this stage the interest of the Corporation is to be safeguarded, it is directed that FDR no.84397577 dated 19<sup>th</sup> March, 2018 which is of the value of ₹16.02 crores shall be kept by the Appellants as a security. The said FDR shall not be encashed and shall be renewed from time to time.

The impugned order dated 29th March 2018, attaching the other bank accounts is set aside in respect of both the Petitioners. They shall be permitted to make use of the amounts in the accounts for day to day activities. However, the FDR mentioned above shall not be encashed till further orders of the Tribunal. The parties are directed to approach the Tribunal, for any further relief/s.

The writ petition and pending application stand disposed of.

Order dasti under the signature of the Court Master.

**PRATHIBA M. SINGH**  
**(VACATION JUDGE)**

**JUNE 04, 2018**  
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