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

+ **W.P.(C) 8754/2018**

M/S. P.C.S. ASSOCIATES & ORS.

..... Petitioners

Through: Mr.Harish Malhotra, Sr. Adv. with
Mr.Rohit Jain & Mr.Gaurav Jain,
Advts.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms.Puja Kalra, Adv. for R-1.
Ms.Aankanshah & Ms.Sabreena
Bakshi, Advts. for intervenor in CM
No.39907/2018

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **18.12.2018**

C.M. No.39907/2018 (for intervention)

Keeping in view the fact that the petition itself is being disposed of without examining the merits of the petitioners claim, I see no reason to permit any third party to intervene in the matter.

W.P.(C) 8754/2018 & CM Nos.36475/2018, 36552/2018, 36553/2018, 33629/2018

1. Vide the present petition, the petitioner seeks quashing of order dated 10.08.2018 passed by the learned District Judge dismissing its Appeal filed under Section 347(D) of the DMC Act, wherein the petitioner had impugned order dated 15.11.2017 passed by the

Appellate Tribunal MCD declining interim stay to the petitioners.

2. Learned Senior Counsel for the petitioner submits that during the pendency of the present petition, the pleadings in the petitioner's Appeals pending before the Appellate Tribunal have been completed and therefore, states on instructions, that in the changed circumstances, the petitioner instead of pressing his challenge to the impugned orders on merits is now seeking only expeditious disposal of his appeal pending before the Tribunal. He, however, prays that the Tribunal be directed to decide the petitioner's pending Appeals without being influenced by the observations in its earlier order dated 15.11.2017 or in the order dated 10.08.2018 passed by the learned District Judge, dismissing the petitioner's Appeal.

3. Ms.Kalra, learned counsel appearing for the respondent fairly does not oppose the aforesaid limited prayer of the learned Senior Counsel for the petitioners.

4. Having perused the record, I am of the view that the limited prayer made by the petitioners deserves to be allowed. At this stage, when the pleadings before the Tribunal are already complete, it would be appropriate that instead of this Court determining the petitioner's entitlement to interim relief, their appeals No.949/17 and 950/217 pending before the Appellate Tribunal are decided expeditiously.

5. The writ petition is accordingly disposed of with a direction to the Appellate Tribunal MCD to decide the petitioners aforesaid pending Appeals expeditiously. Needless to say that while deciding the Appeals, the Tribunal will not be influenced by the findings recorded either in the order dated 10.08.2018 passed by the learned

District Judge or in its own order dated 15.11.2017 rejecting the petitioner's prayer for interim relief.

6. The petition is disposed of in the aforesaid terms.

REKHA PALLI, J

DECEMBER 18, 2018

gm