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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8940/2018 & CM No.34364/2018 (for stay).
PARAS DYES & CHEMICALS PVT LTD. Petitioner
Through: Mr. Vikas Pahwa, Sr. Adv. with Mr.
Akash Sherwal, Mr. Apurv, Mr.
Karan Khanuja and Mr. Sumer
Boparai, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents
Through: Mr. Dhanesh Relan with Ms. Komal
and Ms. Mrinalini Sharma, Advs. for
DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.08.2018**

CM No.34365/2018 (for exemption).

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 8940/2018 & CM No.34364/2018 (for stay).

3. This petition under Article 226 of the Constitution of India impugns
(i) notices, both dated 15th June, 2018 under Section 4 of the Public Premises
(Eviction of Unauthorised Occupants) Act, 1971 (PP Act), issued by the
respondent no.2 Estate Officer of the respondent no.1 Delhi Development
Authority (DDA) with respect to Shop Units (SUs) No.2&3, Bhikaji Cama
Place, New Delhi; and, (ii) the order dated 10th July, 2018 of the Estate
Officer under Section 5 of the PP Act, of eviction of the petitioner from SUs
2&3, Bhikaji Cama Place, New Delhi.

4. I have enquired from the senior counsel for the petitioner, how this writ petition is maintainable owing to availability of alternative remedy of appeal under Section 9 of the PP Act and whether not PP Act is a complete code in itself.
5. The senior counsel for the petitioner has sought to refer to certain judgments to contend that writ petition would also lie.
6. It has further been enquired from the senior counsel for the petitioner, whether the petitioner is willing to make a statement that the petitioner, if this petition is found to be entertainable and otherwise no merit is found therein, is willing to give up the right of appeal under Section 9 of the PP Act.
7. The senior counsel for the petitioner, under instructions, states that the petitioner will avail of the remedy under Section 9 of the PP Act and withdraws this petition without prejudice to rights and contentions of the petitioner to take all pleas in appeal and if remains aggrieved from the order in the appeal, in the remedy if any preferred thereagainst.
8. The senior counsel for the petitioner also states that the petitioner be granted time to prefer appeal which has become barred by time.
9. The counsel for the respondent DDA appears on advance notice and has been heard.
10. This petition itself was filed on 24th August, 2018 i.e. after the expiry of the period prescribed of 12 days for filing an appeal under Section 9 of the PP Act. There is thus a delay of about a month already in preferring the appeal.

11. Subject to the petitioner paying costs of Rs.50,000/- to the counsel for the respondent DDA and subject to the appeal being filed on or before 31st August, 2018, the appeal shall be treated as having been filed within limitation.

12. With the aforesaid, the petition is dismissed as withdrawn.

Dasti.

RAJIV SAHAI ENDLAW, J

AUGUST 27, 2018

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