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

Date of Decision: 19.09.2018

+ W.P.(C) 9919/2018

BIPIN BIHARI SINGH Petitioner

Through: Petitioner in person

versus

DELHI METRO RAIL CORPORATION AND ORS..... Respondents

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Neeraj Yadav and Mr. Manish
Kumar, JGM (Legal) for R-1
Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Kamaldeep, Adv. for UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

CM APPL. 38660/2018 (*exemption*)

Allowed, subject to just exceptions.

The application stands disposed of.

W.P.(C) No.9919/2018 & CM APPL. 38659/2018 (Stay)

1. This petition in public interest has been filed and the prayer made is, that, based on the recommendation of the Fourth Fare Fixation Committee. There has been 100% increase in the fares for use of Delhi Metro Rail, the same is arbitrary and therefore the prayer made is that the mandamus be issued for directing the respondents to reverse/reduce the fare fixed by 40% of the current fare or in the alternate to make a comparative study of the revenue collected in any of the four successive months after 01.10.2017 and

thereafter take action for attaining a fine balance between the affordability of the passenger and the long term financial suitability of the Metro Rail operating in Delhi.

2. Having considered the submissions made, we find that the fare fixation has been done by a duly appointed Fare Fixation Committee. The Fare Fixation Committee which undertook the exercise is the Fourth such Committee, consisting of experts who have gone into various aspects of the matter and thereafter gave their recommendation for fixation of the fare which has been accepted by the competent authority. That being so, in the absence of any statutory rule, regulation or constitutional provision being shown to have been violated in the matter of fare fixation, interference by this Court is not warranted.

3. A recommendation made by the expert body like the Fare Fixation Committee which has been accepted by the Delhi Metro Rail Corporation (DMRC) cannot be interfered with by us in a petition under Article 226 of the Constitution as the same is beyond the jurisdiction available to us being in the realm of administrative or executive policy decision based on various technical, financial and economical factors which have to be taken note of before taking the impugned decision and now we cannot sit over the said decision and review it as if we are exercising our appellate jurisdiction.

4. Accordingly, finding no ground to interfere with, the petition along with pending application stands dismissed.

CHIEF JUSTICE

SEPTEMBER 19, 2018/ns

V. KAMESWAR RAO, J