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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 25.09.2018

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W.P.(C) 6698/2017

REFRIGERATED WATER LICENSEES ASSOCIATION

..... Petitioner

Through: Mr. Aly Mirza, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION OF DELHI

AND ORS

..... Respondents

Through: Ms. Jaikriti S. Jadeja, Adv. for
EDMC/R-1

Ms. Namrata Mukim, Adv. for North DMC/R-2

Mr. Sanjeev Sabharwal, Standing Counsel with

Mr. Hem Kumar & Mr. Pritish Sabharwal, Adv.
for SDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

1. This petition in public interest was filed with the following payers:

“A. A Writ/Order/Direction in the nature of Certiorari or any other appropriate Writ(S) Order(S) And Direction(S) thereby Quashing the Circular/Office order dated 16.6.2017 and all action taken pursuant thereto by the respondent No.1.

B. A Writ/Order/Direction in the nature of Prohibition or any other appropriate writ(s) order(s) and direction(s) thereby prohibiting the respondents from granting licence for distribution of refrigerated cold water till such time a comprehensive policy with respect to water plants and distribution of refrigerated cold water is framed.

C. A Writ/Order/Direction in the nature of mandamus directing the respondents to frame a uniform policy with respect to water plants and distribution of refrigerated cold

water.”

2. As far as the prayers B and C made by the petitioner in the instant writ petition are concerned, due to the subsequent developments, the same have been rendered infructuous as the Tender Notice issued by the South Delhi Municipal Corporation (SDMC) (Annexure P-9) dated 14.07.2017 has been subsequently withdrawn by the competent authority. In this regard a photocopy of the RTI reply dated 01.05.2018 is placed before us for reference. The same is taken on record.
3. In view of the above, challenge to Annexure P-9, i.e. tender issued by SDMC on 14.07.2017, is now rendered infructuous.
4. So far as prayer A is concerned, we are informed that the question of formulating a policy for grant of licence to water cooling plants and installation of water trolleys/ATMs is pending consideration before the single Bench of this Court in W.P.(C) 1242/2017 and on petitioner's own showing that he has filed an application for impleadment in the said writ petition challenging the very same policy dated 16.06.2017 and has made a prayer that he would be impleaded and permitted to assail the policy in the said writ petition.
5. Considering the fact that the matter is pending consideration before Single Bench of this Court in the aforesaid writ petition being W.P.(C) 1242/2017, we grant liberty to the petitioner to intervene in the same and canvass all grounds as made in this petition.
6. Accordingly, so far as challenge to the order dated 16.06.2017 passed by the EDMC is concerned, this writ petition stands disposed of with liberty to the petitioner as indicated hereinabove.

CM No.27903/2017 (interim relief)

In view of the order passed in the writ petition, no order is required to be passed in this application.

Accordingly, the application stands disposed of being infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 25, 2018/ns

