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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9845/2017 and CM APPL. 40068-69/2017
EAST DELHI MUNICIPAL CORPORATION & ORS..... Petitioners
Through: Ms. Mini Pushkarna, Standing Counsel,
EDMC with Mr. Rajeev Kumar, Asstt. Director,
Shahdara (North Zone).
versus
MANISH KUMAR AND ORS Respondents
Through: Mr. Anuj Aggarwal and Ms. Tenzing
Thinlay Lepcha, Advocates for R-1 and R-2.
Mrs. Avnish Ahlawat, Standing Counsel with
Mr. N.K. Singh and Ms. Palak Rohmetra,
Advocates for R-3/GNCTD.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **11.04.2018**

1. The petitioners/EDMC are aggrieved by an order dated 12.10.2017 passed by the Central Administrative Tribunal in CP No.16/2017 filed by the respondent No.1 claiming *inter alia* that the EDMC has failed to implement the order dated 09.09.2015, passed in O.A. No.2380/2013.
2. By the impugned order dated 12.10.2017, the Tribunal had issued bailable warrants against the first respondent in the contempt petition, namely, the Commissioner, EDMC and had fixed the matter for 16.11.2017. Aggrieved thereby, the petitioners/EDMC had approached this Court. Vide order dated 13.11.2017, the directions issued by the Tribunal in para 10 of the impugned order were stayed on the condition that the Deputy Commissioner of the petitioners/EDMC would appear before the Tribunal on the date fixed, i.e., on 16.11.2017.

3. We are informed by the counsel for the petitioners/EDMC that the Deputy Commissioner of the EDMC had appeared before the Tribunal on 16.11.2017 and a submission was made that the agency, which is required to pass orders in compliance with the directions issued by the Tribunal is North Delhi Municipal Corporation (NrDMC). Taking note of the said submission, the personal presence of the Deputy Commissioner, EDMC was dispensed with and the matter was adjourned by the Tribunal to 27.11.2017.

4. Learned counsels for the parties state in unison that the petitioners/EDMC had filed an affidavit before the Tribunal alongwith an application for seeking impleadment of NrDMC and the said application was allowed, whereafter appearance has been entered on behalf of NrDMC, who was granted time to file a counter affidavit, vide order dated 29.01.2018. We are informed that the next date of hearing fixed before the Tribunal is 23.05.2018.

5. In view of the subsequent developments, the present petition is disposed of alongwith the pending applications with liberty granted to the petitioners/EDMC to take all the pleas that may be available to them to oppose the contempt petition filed by the respondent No.1. Appropriate orders shall be passed by the Tribunal on the said petition after considering the pleas taken by both sides.

HIMA KOHLI, J

PRATIBHA RANI, J

APRIL 11, 2018

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