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

+ **W.P.(C) 4578/2019 & CM. No. 20398/2019**

M/S BRITE NEON SIGNS PVT. LTD. Petitioner
Through: **Mr. Avadh Kaushik, Adv.**

versus

**SOUTH DELHI MUNICIPAL
CORPORATION**

..... Respondent
Through: **Mr. Sanjay Poddar, Sr. Adv. with
Kunal Vajani, Standing Counsel with
Mr. Jaibir Sethi, Mr. Paras Anand and
Mr. Saarthak Sharma, Advs.**

**CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO**

ORDER
% **30.04.2019**

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that the Hon’ble Court may graciously be pleased to issue:-

(a) A Writ of Certiorari or any other writ, order or direction calling for the records of the case; peruse the same and thereafter, quash and set aside the impugned demand-letter-cum-blacklisting notice dated 10.04.2019 (Annexure P-1) issued by the respondent being the same illegal, arbitrary, unwarranted, malafide and without jurisdiction;

(b) A Writ of Certiorari or any other writ, order or

direction quashing the demand of monthly licence fee (MLF) and interest thereon, as raised by the respondent against the petitioner vide impugned demand letter-cum-blacklisting notice dated 10.04.2019 (Annexure-P-1) and calculation sheet attached thereto, being the same illegal, arbitrary, undue and malafide;

(c) A Writ of Certiorari or any other writ, order or direction thereby quashing the impugned action of the respondent in not adjusting the petitioner's admitted and undisputed amount of security deposits against the alleged outstanding Monthly Licence Fee (MLF) being the same illegal, arbitrary, irrational, malafide, unconstitutional and discriminatory;

(d) A Writ of mandamus or any other appropriate writ, order or direction thereby directing the respondent to adjust the petitioner's admitted amount of security deposits of Rs.11,79,991/- lying pending with it since long against the principal amount of outstanding monthly licence fee (MLF) of Rs.11,05,415/- for the advertising Unipole site CN-9 and refund the balance excess security deposit amount to the petitioner with interest @24% per annum with effect from their due dates;

OR / ALTERNATIVELY

A Writ of Mandamus or any other appropriate writ, order or direction thereby directing the respondent to refund the petitioner's entire amount of security deposits to the tune of Rs.11,79,991/-, as explained in the writ petition, lying pending with the respondent together with up-to-date interest thereon @24% per annum or at the rate respondent is charging the petitioner, with effect from their due dates, without any further delay;

(e) Any other relief, order or directions which this Hon'ble Court considers just and fit in the circumstances

of the case.

Mr. Sanjay Poddar, learned Sr. Counsel appearing for the respondent / SDMC justifies the order dated April 10, 2019. He also states, if the petitioner has anything to say on the order, the SDMC is ready and willing to hear the petitioner and pass a fresh and speaking order.

Mr. Avadh Kaushik, learned counsel appearing for the petitioner is aggregable to the submission made by the Mr. Poddar. If that be so, the writ petition shall be taken as a representation. The petitioner shall also be given an opportunity of hearing by Sh. Om Prakash Singh, Commercial Officer, SDMC (Advertisement Dept.), before whom, the petitioner through his representative shall appear on May 6, 2019 at 3 PM. During hearing, the petitioner shall be at liberty to rely upon such material as deem fit. Pursuant to hearing, the officer shall pass a reasoned and speaking order within four weeks thereafter. It goes without saying that, if the petitioner is still aggrieved by the order to be passed by the respondent, it can challenge the same in accordance with law.

I take on record the statement made by Mr. Poddar that payment, if any, shall be enforced by respondent SDMC after the fresh speaking order is passed. Suffice it to state this court has not expressed its views on the merit

of the petition.

The petition stands disposed of.

CM. NO. 20398/2019 (for Stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

APRIL 30, 2019/jg