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

Date of Decision: 15.12.2020

+ LPA 381/2020 & CM APPL. 32247/2020

MR. SUNIL KUMAR & ORS. Appellants

Through: Mr. Ajay Jain, Advocate

versus

DELHI TRANSPORT INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD. Respondent

Through: Mr. Gautam Narayan, ASC with
Mr. Adithya Nair, Advocate for
respondent

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

D.N. PATEL, Chief Justice (*Oral*)

The proceedings in the matter have been conducted through video conferencing.

1. This LPA has been preferred by the original petitioners in W.P.(C) 3803/2020. These appellants are aggrieved by an **interim order** passed by the learned Single Judge dated 12th November, 2020 in W.P.(C) 3803/2020.

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that these appellants are the original petitioners who were given shops at the Inter-State Bus terminus, premises of the Delhi Transport Infrastructure Development Corporation Limited.

3. It further appears from the facts of the case that there is a dispute regarding the payment of the license fees.
4. The learned Single Judge has already exempted the payment of the license fees for the period March, 2020 to October, 2020 for the time being, as evident from the impugned order, and the same will be decided at the final hearing of the writ petition.
5. So far as interim relief is concerned, for the period from November, 2020, the original petitioners were directed to make the payment of the license fees because now the bus terminus is operational.
6. Much has been argued by the counsel for the appellants that, even for the period of November 2020 onwards, 100% license fees ought not to have been ordered to be paid, as neither the proper traffic of the buses nor proper traffic of the passengers has yet resumed. This contention is not accepted by this Court at this stage mainly for the reasons that, in terms of the license agreement, it appears *prima facie* that the payment of license fees was not dependent upon the number of passengers nor was it dependent upon the number of traffic of the passenger buses.
7. The main writ petition is already part heard before the learned Single Judge and has been ordered to be listed for further hearing on 18th and 19th January, 2021.
8. In view of this arrangement and a concession already having been given by the learned Single Judge, as stated in the impugned interim order, particularly when the writ petition is already part-heard and fixed for final hearing, we see no reason to interfere with the order of the learned Single Judge. No error has been committed by the learned Single Judge while

passing the impugned order dated 12th November, 2020 in W.P.(C)3803/2020.

9. As the writ petition is pending, we are not giving further reasons otherwise the decision in this LPA may prejudice the final outcome of the writ petition. Suffice it to say that the arrangements already carved out by the learned Single Judge in the impugned order dated 12th November, 2020 in W.P.(C)3803/2020 are satisfactory and in accordance with law. Looking to the facts and circumstances of the case, we are in full agreement with the reasons given by the learned Single Judge while passing the impugned order.

10. However, we make it clear that this order will not prejudice the rights and contentions of the parties at the hearing of the petition.

11. Hence, there is no substance in this LPA and the same is therefore dismissed. The pending application also stands disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

DECEMBER 15, 2020

j'