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

+ W.P.(C) 1000/2020 & CM No.3222/2020

SHRI SUDHIR KUMAR, PROP,
M/S DHARAMPAL TRANSPORT. Petitioner
Through: Mr. Deepak Sharma, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondent
Through: Mr. Arun Birbal, Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

27.01.2020

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1. Issue notice. Mr. Arun Birbal accepts notice for respondent No.1/DDA, while Mr. Anya Singh accepts notice for respondent No.2/STA.
 2. Counsel for the petitioner says that respondent No.3 can be deleted from the array of parties as the main contesting party is respondent No.1/DDA.
 - 2.1 Accordingly, respondent No.3 is deleted from the array of parties.
 - 2.2 For the purpose of record, the petitioner will file an amended memo of parties within two weeks from today.
 3. With the consent of the counsel for the parties, the writ petition is taken for final hearing and disposal.
 4. The grievance of the petitioner is that the two impugned challans (which bear the same date, i.e., 1.5.2019) have been issued without notice and without a prior hearing. It is the petitioner's case that it was hired by Larsen and Toubro Limited (in short "L&T") for providing water sprinkling
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services at the concerned construction site to it. According to the petitioner, the Public Works Department (PWD) had awarded a contract to L&T on 27.3.2015 for construction of an elevated road over Barapullah Nallah, which was to stretch from Sarai Kale Khan till Mayur Vihar, Phase-III. The petitioner avers that its job was to supply trucks-on-hire for sprinkling water around the project site to regulate dust as per the requirement of the Pollution Control authorities.

5. The petitioner further avers that in and about 13.11.2019, it became aware of the impugned challans when it sought to deposit with the office of the Regional Transport Authority, at Faridabad, road tax qua its vehicle bearing registration no.HR38-W6056.

6. To be noted, the petitioner is required to deposit Rs.50,000/- each against the impugned challans. It appears that the petitioner had made a representation in this behalf on 16.12.2019 to the DDA, which remains unaddressed.

7. Given these circumstances, the writ petition is disposed of with the following directions:

- (i) DDA will decide the representation of the petitioner dated 16.12.2019. In this behalf, DDA will afford a personal hearing to the authorized representative of the petitioner.
- (ii) Pending disposal of the writ petition, the operation of the impugned challans will remain stayed.
- (iii) In case the decision arrived at by the concerned officer of the DDA is against the interest of the petitioner, no coercive measure will be taken for a period of two weeks from the date of such decision.

8. Needless to add, the DDA will carry out the aforesaid exercise as expeditiously as possible, though not later than six weeks from the date of receipt of a copy of the order.
9. *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

JANUARY 27, 2020/pmc