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

+ W.P.(C) 5432/2020

APPLAUSE HOSPITALITY SERVICES PRIVATE LIMITED &
ORS. Petitioners

Through: Ms. Leena Tuteja, Mr. Ishaan Chawla and
Ms. Diksha Bhatia, Advocates.

versus

NEW DELHI MUNICIPAL COUNCILRespondent

Through: Mr. Anil Grover, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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19.08.2020

The hearing was conducted through video conferencing.

CM APPL. 19591/2020 & CM APPL. 19592/2020 (Exemptions)

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed-off.

W.P.(C) 5432/2020

3. Issue notice. The learned counsel named above accepts notice on behalf of the respondent.
4. The petitioners' application for a grant of health license to run a restaurant has been pending with the respondent/Council since 08.05.2018. For the reasons best known to the Council, it has not been responded to as yet.
5. The learned counsel for the petitioner refers to an order dated 10.04.2019 in arbitration proceedings, which reads as under:-

“ ...

The application filed by the Claimants for a direction in respect of the grant of a health license was considered. The ld. Counsel for the Claimant drew the attention of the Tribunal to a letter dated 04.02.2019, whereby the respondent has rejected the request of De Gustibus Hospitality Private Limited for renewal of the health license in respect of Indigo Restaurant in the project site at Netaji Nagar, New Delhi. The renewal application was made in terms of conducting agreement dated 27.04.2013 between the Claimants and De Gustibus Hospitality Private Limited, which in turn was with reference to the concession agreement, dated 28.10.2009 between the Claimants and the Respondent.

The Claimants had earlier filed a representation on 22.11.2018. That representation has not been disposed off by Respondent. Mr. Handoo, Ld. Counsel for the Respondent submits that the said representation would be considered and disposed off by the respondent within four weeks. Mr. Handoo, further states that in case De Gustibus also files a representation within a week, both the representations would be disposed off within the said period of four weeks. The result of the same shall be communicated to the Claimants immediately thereafter. The application stands disposed off accordingly.

It is made clear that, at this stage, this Tribunal has not examined the merits of the claim of the Claimants nor the case of the Respondent in respect of the question of renewal of the health license.”

6. Despite a lapse of 17 months from the said undertaking of the Council, it is yet to take a decision. Its learned counsel submits that the Council would be preferring an application under section 34 of the Arbitration Act apropos some portions of the Award. While the Council may pursue its remedies as it deems fit but surely, in view of

its planned actions, a response to the application cannot be withheld.

7. In the circumstance, let this petition be treated as the petitioners' representation to the Council. The petitioners shall be heard by the Council within a period of 2 weeks and the Council's decision on the application shall be communicated to the petitioners by 09.09.2020. Should any other documents or fees be required to be deposited for issuance of the said license, the petitioner shall do so promptly.
8. The petition is disposed-off in the above terms.
9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

AUGUST 19, 2020

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