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

+ **W.P.(C) 5673/2020 & CM APPL. 20526/2020**

DHIRENDER KUMAR SINGH Petitioner
Through: Mr. Ashish Deep Verma, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATIONRespondent
Through: Mr. Kunal Vajani, Standing Counsel for
SDMC.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **26.08.2020**

The hearing was conducted through video conferencing.

CM APPL. 20527/2020 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed-off.

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3. Issue notice.
4. The learned counsel named above accepts notice on behalf of the respondent.
5. At the outset, the learned Standing Counsel for the Corporation, states that: i) the petitioner has not disclosed the complete facts of the case' ii) he is in default of over Rs.22 lakhs from 2018 onwards, iii) that the aforesaid sum of Rs. 22 lakhs was due before the COVID-19 lockdown, starting 25 March 2020, iv) the petitioner cannot even

allude to any difficulties that may have arisen on account of the pandemic or the resultant lockdown, v) these monies ought to have been paid much earlier, vi) the cheque of Rs. 18 lakhs given by the petitioner in the last few weeks was dishonoured upon presentation, vii) he has been in breach of the terms of the contract for the past many months. The Corporation is stated to have taken possession of the parking site. The bank guarantee has already been invoked and transfer of the due monies is under process. However, the same is disputed by the petitioner

6. The learned counsel for the petitioner submits, that the contract for running the parking lot was for the whole 24 hours, but he was permitted to operate the same for only 12 hours of the day, thereby affecting receipt of revenues. He states that he is ready and willing to pay the dues, albeit in installments, as the parking contract at Sarai Kaley Khan, New Delhi is to run for another three years and is further extendable.
7. THE petitioner desires that his case be reconsidered by the Corporation. Accordingly, the Corporation shall treat this petition may as the petitioner's representation; a view upon the same will be taken within 3 weeks from today, after hearing the petitioner. The order, as may be passed by the Corporation, shall be communicated to the petitioner within a week thereafter.
8. The petition, along with the application, is disposed-off in the above terms.
9. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

10.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 26, 2020
RW