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

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Judgment delivered on: 16.08.2021

+ W.P.(C) 2466/2021 & CM APPL.7222/2021

HIMACHAL PRADESH HORTICULTURAL PRODUCE
MARKETING AND PROCESSING CORPORATION LIMITED

..... Petitioner

versus

MEDICAL SUPERINTENDENT EMPLOYEES STATE
INSURANCE CORPORATION

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Satish K.Mishra, Advocate along with Mr.
Narendra Singh, Assistant Marketing Officer,
HPMC Ltd.

For the Respondent:

Mr. Abhik Mishra, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns eviction order dated 3/11.11.2016 passed by the Estate Officer and further seeks setting aside of judgment dated 09.02.2021 passed by the Appellate Court dismissing the appeal filed

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W.P(C) 2466/2021

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by the petitioner against the order of eviction.

3. Petitioner was granted a kiosk in the premises by the respondent on license basis for a period of one year on 25.01.2012. Said license was extended from time to time but after 10.02.2016 license was not extended. Since petitioner failed to vacate the premises after the expiry of the license period, notice seeking eviction of the petitioner was sent. Thereafter proceedings under the Public Premises Act were initiated which culminated into the order of eviction by the Estate Officer. Said order of eviction has been upheld by the Appellate Court.

4. After some arguments, learned counsel for the petitioner seeks leave to withdraw the petition. He however prays that time be granted to vacate the premises and hand over the peaceful, vacant possession of the subject kiosk on or before 31.10.2021.

5. The appeal is dismissed as withdrawn.

6. Learned counsel for the petitioner under instructions from Mr. Narendra Singh, Assistant Marketing Officer who is also officiating as Deputy General Manager undertakes that petitioner shall vacate and hand over the peaceful, vacant possession of the subject kiosk on or before 31.10.2021. He further undertakes that he shall pay the license charges upto 31.10.2021 and also pay the water and electricity charges to the concerned authority. He also undertakes that he shall not sublet,

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W.P(C) 2466/2021

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assign or part with the possession of the kiosk to anyone.

7. The undertaking is accepted.

8. Let an affidavit of undertaking be filed within a period of two weeks from today.

9. On petitioner filing the affidavit of undertaking and abiding by the undertaking, execution of the eviction order dated 3/11.11.2016 shall remain stayed till 31.10.2021.

10. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

AUGUST 16, 2021/rk

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W.P(C) 2466/2021

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