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

+ **W.P.(C) 641/2024 &CM APPL. 2798/2024 (Stay)**

LATE SH RAJBIR THROUGH HIS LR Petitioner

Through: **Mr. Yashvardhan Singh Soam and
Mr. Harshvardhan Singh Soam, Advs.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: **Ms. Shilpa Dewan, ASC for MCD.
Mr. Dhruv Gautam and Mr. Tushar
Tyagi, Advs. for R-2.
Mr. Mohit Bhardwaj, Panel Counsel
for R-3/GNCTD.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

30.01.2024

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The hearing has been conducted through video-conferencing.

1. The present petition has been filed by the petitioner seeking release of his vehicle *i.e.* Honda Amaze, bearing registration no. HR72B0326, which has been seized by the respondents.
2. It is sought that the respondents be directed to release the seized vehicle in line with the directions passed by this Court in W.P.(C) 10749/2023 & connected matters.
3. Learned counsel for respondent no.2 *i.e.* the scrapping agency, who appears on advance notice, submits that the vehicle in question has not yet been scrapped.
4. Considering the submissions of the parties and the order passed by the



coordinate bench of this Court in the aforesaid W.P.(C) 10749/2023 & connected matters, the following directions are issued:-

- a. The petitioner will file affidavit of undertaking with the Enforcement Officer, Department of Transport, GNCTD within two weeks from today to the effect that if the vehicle is released to him, it will not be plied or parked in any public space within the territory of NCT of Delhi, and will be removed from the NCT of Delhi within two weeks after release.
 - b. The undertaking will also state that the vehicle will be towed or otherwise transported to the borders of the NCT of Delhi.
 - c. Upon the affidavit of undertaking being received by the Enforcement Officer, he/she will facilitate the release of the vehicle by the scrapping agency to the petitioner within one week thereafter.
 - d. The petitioner will also file an affidavit before the Enforcement Officer within four weeks after the release of the vehicle stating that the vehicle has been removed from the territory of the NCT of Delhi.
 - e. In the case of vehicle registered in Delhi, the petitioner may apply for issuance of NOC's for transport of vehicles outside Delhi. The NOCs will be processed in accordance with law, within a period of two weeks from the date of the application.
 - f. It is made clear that the aforesaid undertaking recorded on behalf of the petitioner will be treated as undertaking made to this Court, and that any breach of the undertaking may invite action for Contempt of Court.
5. Further, in line with the directions issued in W.P.(C) 10749/2023 & connected matters, the petitioner shall be liable for towing charges of approximately Rs.2,000 or Rs.2,500/- per vehicle. However, no parking charges will be payable to the scrapping agencies.
6. With the aforesaid directions, the present petition, alongwith the



pending application, is disposed of.

JANUARY 30, 2024/cl

SACHIN DATTA, J