



\$~60

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

+ LPA 867/2024, CAV 429/2024, CM APPL. 50495/2024, CM APPL. 50496/2024 & CM APPL. 50497/2024

TIWARI AND SONS

.....Appellant

Through: Dr. Vijay Kumar Shukla, Ms. Nupur Shukla and Mr. Anirudh Gulati, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Vivek Sharma, Advocate

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

02.09.2024

%

1. Present appeal has been preferred under Clause X of the Letters Patent Act, 1866, assailing the judgement dated 29th May, 2024 passed by the learned Single Judge of this Court, whereby the writ petition filed by the appellant herein was dismissed and the appellant was directed to vacate the stalls within a period of three (3) months.
2. With the consent of the parties, the matter is taken up for disposal.
3. The present appeal is similar to the appeal decided by this Court on 9th August, 2024 being LPA No. 770/2024 "*M/s Veer & Company Graduate Partnership Concern & Anr vs. Union of India & Ors*" whereby the said appeal was dismissed. It has been brought to this Court's notice that the said



order dated 9th August, 2024 was challenged by way of a Special Leave Petition (for short ‘SLP’) being SLP(C) No. 19229/2024 captioned “*M/s S Veer & Company Graduate Partnership Concern & Anr. vs. Union of India & Ors.*”. It is stated that the said SLP was disposed of allowing extension of four (4) months on account of *dies non* period subject to filing of an undertaking within a period of four (4) weeks.

4. The order dated 27th August, 2024 passed in SLP(C) No. 19229/2024 “*M/s S Veer & Company Graduate Partnership Concern & Anr. vs. Union of India & Ors.*” is reproduced hereunder:-

“1. Heard the learned counsel appearing for the respective parties.

2. We are not inclined to interfere with the impugned judgment and order passed by the High Court. We however extend the time granted by the learned Single Judge of the High Court in its order dated 29.05.2024 by four months from today. All the allottees shall vacate and handover the vacant possession of the stalls in question before the expiry of four months subject to filing of the usual undertaking before the Registry of this Court within four weeks from today.

3. Accordingly, the Special Leave Petition is disposed of.

4. Pending application(s), if any, shall stand disposed of.”

5. Learned counsel appearing for the appellant states that similar directions as above be passed in the present appeal too, since it raises the same issue.

6. After having heard the learned counsel for the appellant and in deference to the order of the Supreme Court dated 27th August, 2024, in SLP(C) No. 19229/2024 “*M/s S Veer & Company Graduate Partnership Concern & Anr. vs. Union of India & Ors.*”, this Court finds no ground to interfere with the impugned order, but grants four (4) months extension from today to the appellant to vacate its stall in question subject to filing of an



affidavit of undertaking by the appellant to the effect that it will vacate its stall within the aforesaid extension/time so granted with the Registrar General of this Court within four (4) weeks from today.

7. In view of the aforesaid, the present appeal along with pending applications is disposed of with no order as to costs.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 2, 2024

rl