



\$~49

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

+ LPA 1016/2024 & CAV 502/2024, CM APPL. 59459/2024, CM
APPL. 59460/2024, CM APPL. 59461/2024, CM APPL. 59462/2024
NEELAM AGARWALAppellant

Through: Mr. Akshat Bajpai, Mrs. Ishanee
Sharma, Mr. Shobhit Trehan, Mrs.
Renuka Parmanand, Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Shoumendu Mukherjee, SPC
with Ms. Megha Sharma and Mr.
Arya, Advocates with Mr. Rajat Sikri,
G.P. for R-1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

%

08.10.2024

1. Present appeal has been preferred under Clause X of the Letters Patent Act, 1866 assailing the judgement dated 30th May, 2024 passed by the learned Single Judge of this Court whereby the writ petition bearing W.P.(C) No.5722/2024 filed by the appellant herein was dismissed and the appellant was directed to vacate the stall within a period of three (3) months.
2. With the consent of parties, the matter is taken up for disposal.
3. The present appeal before this Court 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 "*M/s S Veer & Company Graduate Partnership Concern & Anr. vs. Union of India & Ors.*". The said SLP was disposed of allowing extension of four (4) months on account of *dies non* period effective from today 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. To a specific question put by this Court, learned counsel for the appellant fairly admits that the period of three (3) months granted by the learned Single Judge has expired on 25th September, 2024 and she has approached this Court at a belated stage. Though this Court is not inclined to entertain the present appeal as the appellant has already exhausted the



extension of *dies non* period granted by the learned Single Judge, yet in the interest of justice 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 grants four (4) months extension from the date of the order of the Supreme Court i.e., 27th August, 2024 to the appellant to vacate the stall in question subject to filing of an affidavit of undertaking by the appellant to the effect that she will vacate her respective stalls 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.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

OCTOBER 8, 2024/rl