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

+ **W.P.(C) 14837/2024 & CM APPL. 62336/2024**

SHRI JAI PARSAD MISHRA & ORS.

.....Petitioners

Through: Mr. Anuj Kapoor, Ms. Kirti Kapoor,
Mr. Hemank Chawla and Mr. K. K.
Varma, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Prashant Manchanda, ASC with
Ms. Nancy Shah, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.10.2024

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1. The Petitioners, former licensees of shops at ISBT, Kashmere Gate, have filed the present writ petition challenging all letters dated 6th September, 2024, issued by the Delhi Transport Infrastructure Development Corporation Limited (DTIDC)/Respondent No. 2.¹ Through the said letters, DTIDC has taken over the vacant possession of the shops that were previously occupied by the Petitioners.

2. The Petitioners were allotted the shops pursuant to NITs for licensing of Trolley/Shop/Kiosk/Counter at ISBT Kashmere Gate, Delhi, issued by DTIDC. During the tenure of the licenses, the Petitioners addressed separate letters to DTIDC, voluntarily surrendering possession of their respective shops, citing financial losses and an inability to operate profitably. DTIDC

¹ "impugned communications"



promptly accepted these communications and assumed possession of the shops on the same day.

3. Being aggrieved by the actions of DTIDC, the Petitioners now seek a declaration that the impugned communications be declared null and void, and that the possession of the shops be restored to them. Mr. Anuj Kapoor, counsel for the Petitioners, argues that the Petitioners were induced into surrendering their shops under misleading assurances from DTIDC. He emphasizes that no specific policy for the voluntary surrender of shops existed under the terms of the NITs. Furthermore, he submits that DTIDC had assured the Petitioners that the possession of shops would be restored to them after completion of renovation work. However, to date, no renovation or development plans have been initiated, nor has any tender been floated for such work, leaving the Petitioners without recourse or clarity on the future of their shops.

4. The Court has carefully considered the submissions advanced by the Petitioners. However, in the Court's opinion, the present petition is wholly misconceived. A plain reading of the letters issued by the Petitioners to DTIDC, reveals that all of them voluntarily and unequivocally sought to surrender their respective shops. These communications were neither ambiguous nor coerced, but were clear, categorical, and executed without any form of compulsion. The undertakings submitted by the Petitioners demonstrate a conscious and deliberate decision to relinquish possession, which was immediately acted upon by the DTIDC. Therefore, the grounds now raised by the Petitioners to challenge these communications lack any legal basis. The assertions of inducement or coercion are unsupported by any credible evidence, and the Court finds the Petitioners' plea to be misplaced, legally untenable, and devoid of merit.



5. In view of the above, the petition is dismissed, along with pending application.

OCTOBER 22, 2024
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SANJEEV NARULA, J