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

+ **CONT.CAS(C) 296/2016**

NEW DELHI MUNICIPAL COUNCIL

..... Petitioner

Through: Mr Vipul Ganda, Additional Standing
Counsel for NDMC with Ms Amodini
Raina and Ms Avnika Mishra, Mr
Snigdha Pal and Mr S.K. Giri,
Advocates.

versus

RAJ PAL SINGH KOCHHAR & ANR

..... Respondents

Through: Mr Amarjit Singh Chandhiok, Senior
Advocate with Mr Sumit Bansal, Mr
Utsav Garg and Mr Pushkar Khanna,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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13.03.2024

1. The petitioner has filed the present contempt petition praying that proceedings be initiated against the contemnors for filing of the undertaking dated 12.03.2014 furnished pursuant to the directions issued by this Court on 06.03.2014 in W.P.(C) 986/2014. The relevant extract of the said order reads as under:

“Some arguments have been addressed by both counsel setting down the broad contours of their respective positions. Looking to the cause list, it is not possible to take the matter further today.

List on 18th September, 2014.

CM APPL. NOS. 1984, 2288 and 2877/2014

In the meanwhile, the proposed auction shall remain stayed, subject to the petitioner depositing a sum of Rs. 6,81,614/- per



month with the NDMC, reckoned from 01.02.2014. The payment for the month of February, 2014 shall be made within two weeks from today, and thereafter on or before 7th of each succeeding month. Further, the petitioner shall file an undertaking by way of an affidavit of its Managing Director in this Court undertaking to hand over peaceful vacant possession of the premises, in case the decision of this Court goes against him and he remains unsuccessful in the appellate forum, and the respondent will not be obliged to take recourse of the proceedings under the Public Premises Act for recovery.

It is also made clear that the aforesaid deposit shall be made by the petitioner without prejudice to the rights being asserted by the petitioner.

Counsel for the petitioner states, on instructions from his client, who is present in Court, that the said terms are acceptable to him and that he shall be filing an affidavit by way of an undertaking to this Court within one week from today. Let the same be done with an advance copy to counsel for the respondents. As prayed, the petitioner is also permitted to file rejoinder within six weeks from today.

The application stands disposed off.”

2. In terms of the said order, the alleged contemnors were required to handover peaceful possession of the premises in case the decision in the said writ petition [W.P.(C)986/2014] was against the petitioner. However, admittedly, the court did not render a decision on merits in the said writ petition as the same was, subsequently, withdrawn in terms of the order dated 05.03.2015. It is pointed out that although it is not reflected in the order, the writ petition was withdrawn pursuant to the objections raised by the respondents that it involved disputed questions of fact. It is also material to note that the alleged contemnor was also granted the liberty to avail other remedies.

3. In the given circumstances, we are not persuaded to accept that there



is any wilful disobedience in the undertaking given to this Court.

4. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 13, 2024
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