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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 418/2025 & CM APPL. 2089/2025

HIMACHAL PRADESH HORTICULTURAL PRODUCE

MARKETING AND PROCESSING CORPORATION LIMITED & ANR.

.....Petitioner

Through: Mr. Sahil Sharma and Ms. Nisha,
Advocates for P2.

versus

SUSHRUTA TRAUMA CENTRE

.....Respondent

Through: Mr. Dhruv Rohtagi and Ms.
Chandrika Sachdeva, Advocates.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

17.01.2025

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1. The present petition assails an order dated 17.12.2024 bearing reference no. REF., NO.43/492/CCC/LNH/2019/1379 issued by the respondent. The said order reads as under:-

"This notice is issued in pursuant to the order dated 09.12.2022 of Hon'ble High Court in the matter of petition W.P. (C) 11571/2019, DIN BANDHUGASS V/s Govt. of NCT of Delhi. The operative para of the aforesaid order is reproduced as under:

"7" The above paragraph does not give any clarity about the occupants, in whose favour there are any interim orders, which are operating. It is made clear that if there are no interim orders operating against any illegal occupants, the said occupants shall be evicted. The issuance of licenses for the outlets/ kiosks shall be given by way of open tender process. Let the chart be placed on record as to when next tender would be called for in respect for the outlets at the hospital".

In view of above all the illegal/unauthorized occupants of the kiosks situated in the premises of Lok Nayak Hospital as listed below are thereby directed to vacate the premises of the hospital within (02) days from the pasting/receiving of this notice:



1. *Sh. Satnarain, 1704/122, Shanti Nagar, Tri Nagar, Delhi-110035
(Near New Medical Block)*
2. *Sh. Sham Sher Ali, 14 Block 875, Lodhi Colony, New Delhi -110003
(Gynae Block)*
3. *Sh. Sham Sher Ali, 14 Block 875, Lodhi Colony, New Delhi -110003
(Main OPD)*
4. *HPMC Kiosks C-1-2 & 3, Lawrence Road, Delhi -110035
(Near Emergency Block)*
5. *HPMC Kiosks C-1-2 & 3, Lawrence Road, Delhi -1 10035
(Main OPD)*
6. *Smt. Chander Kanta W.o Lt. R.P. Bhacdwaj (PCO Booth)H-41/2,
Rajiv Colony, Lajpat Nagar, New Delhi-1 10024
(Near Emergency Block)*
7. *Km Inderjeet Kaur, (PCO Booth), Amar Colony, Lajpat Nagar, New
Delhi- 110024
(Main OPD)*
8. *Saras C&F Jaipur dairy & RCDF (O.T. Block)*
9. *HPMC Kiosks C-1-2 & 3, Lawrence Road, Delhi -110035
(Sushutra Trauma Centre)*

In case any interim relief/order from the Hon'ble Court is available with the concerned illegal/unauthorized occupants to operate the kiosk shall be submitted in Court Cell, MRD Block within the period mentioned as above.

If any of the illegal/unauthorized occupants fails to vacate the premises providing such order/relief, will be considered as disobeying the order of the Hon'ble High Court and appropriate action will be taken against him."

2. The the present petition has been filed on an apprehension that based on the aforesaid order/letter, the petitioner, who is operating a kiosk/sales counter at the premises of the respondent since 2010, shall be evicted therefrom.



3. During the course of hearing, it transpires that W.P.(C) 11499/2018 has been filed by the petitioner, in which, *vide* order dated 26.10.2018, an interim order has been passed as under:

“7. Subject to the petitioner paying the enhanced license fee prospectively (i.e. w.e.f. 01.11.2018), the petitioner's possession of the allotted space/kiosk shall not be disturbed. The petitioner shall also deposit the arrears of license fee at the rate of ₹2,281/- per month, within a period of two weeks from today.”

4. The aforesaid petition is still pending in this Court. It is undisputed that in terms of the said interim order, the petitioner is liable to pay a sum of Rs.15,189/- per month as license fee with effect from 01.11.2018 on an ongoing basis to the respondent.

5. It further transpires during the course of hearing that the said payment has not been regularly made by the petitioner and there are outstanding arrears. Learned counsel for the petitioner seeks to justify the same on the ground that the payment was not accepted by the respondent. The same is, however, refuted by the learned counsel for the respondent.

6. Be that as it may, after some hearing, respective counsel for the parties are in agreement that the petitioner shall clear the entire arrears of license fee within a period of two weeks from today and shall continue to make the payment in terms of the aforesaid order dated 26.10.2018, on an ongoing basis without any delay or default.

7. Learned counsel for the respondent submits that subject to the said payment being made by the petitioner, no steps shall be taken to evict the petitioner pursuant to the impugned notice dated 17.12.2024.

8. In view of the aforesaid, the petitioner's challenge to the order dated 17.12.2024 does not survive. This is also on account of the fact that the said



order itself clarifies that the occupants/licensees who have interim orders in their favour, shall not be evicted on the basis thereof.

9. In the circumstances, no further orders are required to be passed in the present petition and the same is accordingly disposed of.

10. It is made clear that this order shall not preclude the respondent from issuing any open tender for allotment of kiosk/sales counters. Needless to say, if the petitioner has any grievance with regard thereto, he shall be at liberty to avail appropriate remedies in law.

SACHIN DATTA, J

JANUARY 17, 2025/at