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

+ **CONT.CAS(C) 149/2024**

ISHWAR CHAND

.....Petitioner

Through: Ms. Shobhana Takiar, Mr.
Prateek Dhir, Mr. Kuljeet Singh
and Mr. Shivam Takiar, Advs.

versus

AMIT YADAV & ANR.

.....Respondents

Through: Mr. Sriharsha Peechara, SC
with Mr. Yoginder Handoo,
ASC with Mr. Ashwin Kataria,
Mr. Akshat Kulshreshtha, Mr.
D.S. Bhanu, Mr. Chinmay
Singh and Mr. Madan Mohan
Chaubey, Advs. for R-NDMC.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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10.03.2025

1. Having heard the learned counsels for the parties and upon perusal of the record, the petitioner is seeking initiation of contempt proceedings against the respondents for the wilful and deliberate non-compliance of the directions contained in order dated 17.08.2023 passed by this Court in W.P.(C) 1588/2020.

2. In a nutshell, this Court *vide* the aforesaid order decided that the petitioner had applied for renewal of the allotment of the shop in question on license basis within the prescribed period of time, and accordingly the following directions were passed:

“9. For the aforesaid reasons, I am of the view that the petitioner was entitled to renewal of the license deed dated 01.02.2006 in terms of the policy dated 16.08.2016, given the extension of time up to 16.07.2017 for filing applications for renewal. NDMC is directed to take necessary steps in this regard within six weeks from today.



10. Another contention was raised during the pendency of this writ petition with regard to the nature of the trade carried on by the petitioner in the shop in question. However, an undertaking on behalf of the petitioner was recorded on 21.01.2022 to the effect that the petitioner shall forthwith stop running the unlicensed trade of sale of fish in the shop in question. Ms. Takiar submits that the petitioner may be permitted to change the trade for which he has applied, as he wishes to use the premises for the sale of fish rather than for a general store. I do not find any such prayer in the original writ petition. The petitioner has filed an application for amendment of the writ petition to this extent, being CM APPL. 6627 /2022. However, even in this regard, the representation made to the NDMC on 01.05.2017 was only for the renewal of the license deed and not for a change of trade. This relief is, therefore, not available to the petitioner in terms of the policy. However, if the petitioner makes a representation in this regard, NDMC may consider the same in accordance with law.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order passed by this Court, the petitioner submitted a representation dated 20.09.2023 and also submitted an undertaking to change the nature of his business as per the policy of the respondent/NDMC.

4. The grievance of the petitioner is that on the filing of the present contempt petition, a reply has been filed by the respondent/NDMC, wherein reference is invited to a letter dated 05.03.2024, whereby, although approval for renewal of license for the period of 01.04.2016 to 31.03.2026 has been accorded, however, *inter alia*, he has been vested with a liability to pay a sum of Rs.31,51,232/- upto February 2024 towards the arrears of license fee.

5. Learned counsel for the petitioner submits that no rationale has been given for imposition of such demand, which is *per se* arbitrary. It is also urged that even his request for change of trade has not been considered by the respondent/NDMC.

6. After some arguments, learned counsel for the petitioner



submits that she may be allowed to withdraw the present petition with liberty to challenge the imposition of the impugned demand raised by the respondents in accordance with law.

7. Learned counsel for the respondents has no objection to the same.

8. Accordingly, the present contempt petition is dismissed as withdrawn without prejudice to the rights and contentions of the parties. Pending applications, if any, are disposed of.

DHARMESH SHARMA, J.

MARCH 10, 2025/*gunn/E*