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

+ **LPA 200/2025**

NEW DELHI MUNICIPAL COUNCILAppellant

Through: Mr. Yoginder Handoo, ASC with Mr.
Mananjay Kumar Mishra and Mr. Ashwin
Kataria, Advocates.

versus

SATYA SHARMARespondent

Through: Mr. Harkirat Singh, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **19.03.2025**

CM APPL. 15836/2025 & CM APPL. 15837/2025

1. Exemption allowed subject to all just exceptions.
2. The applications stand disposed of.

CM APPL. 15835/2025 (Delay)

3. Having regard to the averments made in the application, the delay of 23 days in filing the intra court appeal is hereby condoned and the application is allowed.

LPA 200/2025 & CM APPL. 15838/2025 (Stay)

4. Heard the learned counsel for the parties and perused the records which are before us in this Letters Patent Appeal. Having perused the order under challenge passed by the learned Single Judge, we are of the opinion that the instant intra court appeal has no merits.
5. As a matter of fact the writ petition bearing W.P. (C) 11500/2024 filed by



the respondent was allowed by the impugned order dated 10.01.2025 in the light of the disposal of the earlier writ petition namely W.P. (C) 2670/2019 by means of the order dated 04.07.2022.

6. Learned Single Judge in the impugned order has extracted the directions issued by the Court in the earlier writ petition filed by the respondent which included *inter alia* that, “respondent NDMC shall re-compute the license fee with effect from 02.09.2002, taking the fee demanded as on 02.09.2002 as the base license. Thereafter the base license fee shall be enhanced by applying the policy dated 18.03.1999 i.e. apply an enhancement of 30% (because of sub-letting the petitioner) plus an annual increment of 7% on all the amalgamated amount of today”.

7. Accordingly, in view of the earlier direction issued by the Court the learned Single Judge has concluded that the appellant cannot claim arrears from the petitioner prior to 02.09.2002, as all the outstanding dues were cleared by the earlier sub-lettees.

8. At this juncture, learned counsel for the appellant has stated that in fact the notice which was under challenge before the learned Single Judge was not in respect of arrears rather it was in respect of the license fee.

9. On a query as to the demand raised which was under challenge before the learned Single Judge in respect of license fee pertain to which period, it was admitted by learned counsel for the appellant that it was also for the period prior to 02.09.2002.

10. In view of the aforesaid statement if we peruse the direction no.2 issued by the Court in its order dated 04.07.2022 in the earlier writ petition filed by the petitioner, we find that a clear direction was issued by the Court that the appellant shall compute the license fee w.e.f. 02.09.2002, and accordingly, we are of the



opinion that no demand in respect of license fee for any period prior to 02.09.2002 was tenable.

11. It is also noteworthy that earlier order passed by the Court on 04.07.2022 was never challenged by the appellant and accordingly the issue relating to the license fee for the period prior to 02.09.2002 attained finality.

12. For the aforesaid reasons, we find that the instant intra court appeal is absolutely misconceived and is hereby dismissed.

13. However on the prayer made by learned counsel for the appellant, we provide further six weeks' time from today to ensure compliance of the order dated 10.01.2025 passed by the learned Single Judge.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MARCH 19, 2025

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