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

+ W.P.(C) 10805/2024 and CM APPL. Nos.44442/2024, 44443/2024
and 7869/2025

AKASH DEEP

.....Petitioner

Through: Mr. Gautam Narayan, Senior
Advocate with Mr. Abhishek Sandilya, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Mr. Saad Shervani, Mr. Elvin Joshy,
Mr. K.V. Viby Prasad and Mr. Raghvendra
Upadhyay, Advocates for NDMC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.02.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“A. Calling for the records in respect of the illegal enhancement of license fees in relation to the subject shop No. 99, Mohan Singh Place by the Respondent i.e., NDMC;

B. Quash and Set aside the illegal enhancement of license fees in relation to the subject shop No. 99, Mohan Singh Place by the Respondent i.e., NDMC;

C. Direct the Respondent i.e., NDMC to recompute, communicate and charge the license fees in respect of Shop No. 99, MSP strictly in terms of its policy dated 30.09.2004 and 04.04.2018 by affording the petitioner the option to pay one time transfer charge i.e., 50 % of the L%D.O. rates as prescribes thereunder;

D. Direct the Respondent i.e., NDMC to compute, communicate and refund the excess license fee illegally and arbitrarily collected from the Petitioner from the date of receipt of its application seeking transfer of the license of the subject shop no. 99, Mohan Singh Place, New Delhi;



E. Direct the Respondent i.e., NDMC to forthwith process the transfer of the subject shop no. 99, Mohan Singh Place, New Delhi in favour of the Petitioner in terms of its policies dated 18.03.1999, 30.09.2004 and 04.04.2018 which allows free transfers;

F. Direct the Respondent i.e., NDMC to execute the license deed with the Petitioner;”

2. On 05.11.2024, Court had passed the following order:-

“1. The petitioner seeks transfer of a licence executed by the New Delhi Municipal Council [“NDMC”] in favour of one Sh. Subhash Chander Maini in respect of shop No. 99, Mohan Singh Place, New Delhi.

2. The petitioner seeks transfer on the basis of a partnership deed dated 04.05.2012, by which Sh. Subhash Chander Maini and he entered into a partnership for running a business in the said shop. The partnership was dissolved less than three months thereafter, by a deed of dissolution dated 31.07.2012. It is contended that Sh. Subhash Chander Maini retired from the partnership and the petitioner continued the business.

3. Mr. Shandilya, learned counsel for the petitioner, submits that transfers on the basis of such partnership arrangements, however shortlived, are permissible under the applicable policy of the NDMC. He also relies on various judgments of this Court which have directed NDMC to effect transfers on such basis.

4. For the present, the petitioner is directed to place on record an additional affidavit, dealing with the business of the partnership firm during the period the partnership was in existence i.e., 04.05.2012 to 31.07.2012. The accounts of the partnership will be placed on record, including the details as to whether any bank account was opened, the income earned by the partnership firm, and the distribution of profits in terms of the partnership deed.

5. The affidavit be placed on record within four weeks from today.

6. List on 10.02.2025.”

3. From the aforesaid order, it is palpably clear that Petitioner was directed to place on record an additional affidavit detailing the business of the partnership firm during the period of existence of the firm i.e. 04.05.2012 to 31.07.2012 along with details of accounts of the partnership and also disclosing whether any bank account was opened and/or the details of the income earned by the partnership firm and distribution of profits.



4. Affidavit has been filed by the Petitioner as directed by the Court, however, most of the details sought for have not been furnished. Mr. Gautam Narayan, learned Senior Counsel appearing on behalf of the Petitioner submits that various details such as partnership account, business transacted etc. were not immediately available with the Petitioner and could not be brought on record. It is further urged that there is no question on the status or *locus* of the Petitioner inasmuch as all relevant documents such as: attested copies of Partnership Deed and Deed of Dissolution; No Objection affidavit in original from outgoing partner; and other affidavits as sought by NDMC were furnished to NDMC under covering letter dated 01.08.2012 while making a request for transfer/regularisation of license of Shop No. 99, Mohan Singh Place, New Delhi on partnership basis and therefore, Petitioner has nothing to hide.

5. Learned counsel for NDMC strenuously disputes this position and submits that the application of the Petitioner seeking transfer of license of the shop in question is pending only because several discrepancies have been noticed in the application along with deficiency in requisite documents. Additionally, it is submitted that Petitioner had applied for transfer/regularization of the licence under policies dated 18.03.1999, 30.09.2004 and 04.04.2018 but the policies are under review and even on this score no decision can be taken on the transfer application.

6. At this stage Mr. Gautam Narayan, on instructions, submits that Petitioner has never defaulted in payment of license fee and his demand for transfer of license is legitimate and justified and therefore Petitioner will be satisfied if a direction is issued to NDMC to consider the transfer application of the Petitioner as per the extant policies. Petitioner will furnish the



requisite documents, as and when called to do so.

7. In light of the above stand of the Petitioner, this writ petition is disposed of, without entering into the merits of this case, with a direction to NDMC to consider the application of the Petitioner seeking transfer of license of Shop No. 99, Mohan Singh Place, New Delhi, in accordance with the extant policy. NDMC shall intimate to the Petitioner any documents required to be furnished for processing the application. Decision will be taken after according personal hearing to the Petitioner, for which time, date and venue will be intimated in advance and in writing. It will be open to the Petitioner to furnish requisite documents in support of his application including his *locus* for seeking transfer.

8. The decision will be taken within a period of eight weeks from the date the hearing concludes and shall be communicated to the Petitioner, who will be at liberty to take recourse to appropriate legal remedies, in case of any surviving/further grievance.

9. Writ petition along with pending applications stand disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 10, 2025/shivam/YA