



2026:DHC:3471



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

+ **W.P.(C) 14445/2024 & CM APPL. 60578/2024**

Date of Decision: **16.04.2026**

IN THE MATTER OF:

APEEJAY SURRENDRA PARK HOTELS LTDPetitioner

Through: Mr. Sumit Bansal, Sr. Advocate, with
Mr. Udaibir Singh Kochar, Ms. Tulna
Rampa, Ms Nikita Gupta, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Neeraj (SPC) with Mr.
Soumyadip Chakraborty, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for setting aside communication dated 10.04.2024 issued by the respondent, whereby, the petitioner has been directed to pay an amount of Rs. 1,42,05,896/- towards outstanding rent with respect to the premises situated at 15, Parliament Street, New Delhi-110001. Further, a prayer for setting aside communication dated 04.07.2024, whereby the respondent has rejected the petitioner's request for revision of the ground rent, has also been made.

2. One of the grounds on which the impugned action is assailed, is that



the petitioner was not issued any prior show-cause notice.

3. The dispute in the present petition is almost identical to the dispute in W.P. (C) 6211/2024 and W.P.(C) 8178/2024, wherein, the petitioners assailed similar notices. On the first date of hearing, i.e., 15.10.2024, this Court noted the said aspect and granted interim relief to the petitioners with respect to coercive action.

4. The Court *vide* order dated 10.03.2026, has already disposed of writ petition W.P.(C) 6211/2024 (**Hardev Singh Akoi and Ors. v. Union of India.**¹) and W.P.(C) 8178/2024 (**M/s Claridges Hotel Pvt. Ltd. v. Union of India.**²). In both the decisions, the Court has taken note of the decisions of the Supreme Court in **Biecco Lawrie Ltd. and Anr. v. State of West Bengal and Anr.**,³ and **Canara Bank v. V.K. Awasthy**,⁴ whereby, the necessity of affording an opportunity of hearing to the affected parties for satisfying the requirement of fair procedure has been enunciated by the Court. The relevant partition of the decision in **Biecco Lawrie Ltd. and Anr.** is extracted below, for reference:

“24. It is fundamental to fair procedure that both sides should be heard— audi alteram partem i.e. hear the other side and it is often considered that it is broad enough to include the rule against bias since a fair hearing must be an unbiased hearing. One of the essential ingredients of fair hearing is that a person should be served with a proper notice i.e. a person has a right to notice. Notice should be clear and precise so as to give the other party adequate information of the case he has to meet and make an effective defence. Denial of notice and opportunity to respond result in making the administrative decision as vitiated.”

5. Paragraph no. 10 of the decision in **Canara Bank** is reproduced

¹ 2026:DHC:2218

² 2026:DHC:2227

³ (2009) 10 SCC 32.

⁴ (2005) 6 CC 321.



below, for reference:

“10. The adherence to principles of natural justice as recognised by all civilised States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the “Magna Carta”. The classic exposition of Sir Edward Coke of natural justice requires to “vocate, interrogate and adjudicate”. In the celebrated case of Cooper v. Wandsworth Board of Works the principle was thus stated: (ER p. 420)

“[E]ven God himself did not pass sentence upon Adam before he was called upon to make his defence. ‘Adam’ (says God), ‘where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou shouldest not eat?’”

Since then the principle has been chiselled, honed and refined, enriching its content. Judicial treatment has added light and luminosity to the concept, like polishing of a diamond.”

6. Further, this Court took note of the decision of the Madras High Court in the case of **M. Guruswamy Nadar v. Commissioner, Hindu Religious and Charitable Endowment Department, Chennai**,⁵ wherein, the Court set aside the respondent’s action of fixing ‘fair rent’ which the petitioner was liable to pay, without affording an opportunity of hearing, on the ground that the principles of natural justice were not complied with.

7. This Court, in **Hardev Singh Akoi** and **M/s Claridges Hotel** has set

⁵ (2018) 3 MWN (Civil) 167.



2026:DHC:3471



aside unilateral revision of rent by the respondent without hearing the petitioners. The relevant portion of the said decisions is extracted below, for reference:

“6. The Court notes that by an interim order dated 30.05.2024, the operation of the impugned order has been stayed. There is nothing on record to controvert the primary submission made by the petitioners regarding affording of opportunity of hearing. In light of the facts of the instant case and the law discussed above, the Court, instead of going into the merits of the matter, deems it appropriate to set aside the same only on this ground alone.

7. Accordingly, the impugned order is set aside and the matter is remitted back to the respondent to decide afresh after extending opportunity of hearing to the petitioners. If the petitioners, thereafter, are aggrieved by the said order, they shall be at liberty to take appropriate recourse in accordance with law.”

8. For the aforesaid reason, even this petition also deserves to be disposed of with similar directions.

9. Accordingly, the impugned orders dated 10.04.2024 and 04.07.2024 stand set aside, and the matter is remitted back to the respondent to decide afresh after extending the opportunity of hearing to the petitioner.

10. Petition stands disposed of.

11. If the petitioner has any grievance, it shall be at liberty to take appropriate recourse in accordance with law.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 16, 2026/p