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

+ W.P.(C) 6652/2024, CM APPL. 27689/2024 (Stay) & CM APPL. 27690/2024 (Addl. Documents)

ITBP PUBLIC SCHOOL & ANR. Petitioners

Through: Mr. Mohit Mudgal, Mr. Sandeep Yadav, Mr. Varun Mudgil and Mr. Ravi Kant Yadav, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Hitanshu Mishra, Advocate for Mr. Yeeshu Jain, ASC for R-1/ GNCTD.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

09.05.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 27691/2024 (Exemption)

1. Exemption is allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 6652/2024 with CM APPL. 27689/2024 (Stay) & CM APPL. 27690/2024 (Addl. Documents)

3. This is a writ petition under Article 226 of the Constitution of India, *inter alia*, seeking following reliefs:

“(a) Set aside the heavy cost of Rs. 10,00,000/- (Rupees Ten Lakhs) imposed upon the Petitioners in an arbitrary and unreasonable manner by the Ld. Delhi School Tribunal vide the Impugned Judgment dated 12.02.2024 passed in Appeal No. 23/2022 titled as “Mrs. Munni Singh vs. ITBP Public School & Ors.”;



(b) Set aside the findings & observations made by the Ld. Delhi School Tribunal given in para nos. 35, 50 & 54 of the Impugned Judgment dated 12.02.2024 passed in Appeal No. 23/2022 titled as “Mrs. Munni Singh vs. ITBP Public School & Ors.”, thereby, wrongly & erroneously observing that the Petitioner No. 1/ School was not recognized for the period for which its application for renewal of the recognition was pending with the DOE/ Respondent No. 1.”

4. Mr. Mudgal, learned counsel appearing for the petitioners submits that apart from the impugned order having been passed on the merits of the matter, the petitioners are of now are aggrieved by the heavy costs of Rs.10 Lakhs imposed on the petitioners. According to the learned counsel, there are no sufficient reasons or grounds for imposition of such heavy costs.
5. Issue notice.
6. Notice is accepted by Mr. Mishra, learned counsel appearing for respondent no.1/GNCTD.
7. Issue notice also to respondent no.2 by all permissible modes, on petitioners’ taking steps within one week.
8. Counter affidavits/reply be filed within four weeks from today with an advance copy to learned counsel for the petitioners.
9. Rejoinder thereto, if any, be filed within four weeks thereafter before the next date of hearing.
10. In the meanwhile, subject to deposit of Rs.10 Lakhs within two weeks from today before this Court, the impugned order shall remain stayed till the next date of hearing. The said amount shall be deposited



in the name of the Registrar General of this Court, who shall invest the same in an interest bearing FDR with auto renewal clause.

11. List on 09.09.2024 before the Registrar for completion of pleadings.

TUSHAR RAO GEDELA, J

MAY 9, 2024/kct