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

+ **CM(M) 2279/2025**

M/S PERFORMANCE MOTORS PVT LTDPetitioner

Through: Mr. Gautam Narayan, Sr. Advocate
with Mr. Madhur Dhingra, Mr.
Ayush Gupta and Ms. Harleen
Dhingra, Advocates.

versus

M/S INDIA TOURISM DEVELOPMENT CORPORATION

.....Respondent

Through: Mr. Anish Chawla and Mr.
Abhishek K. Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

01.12.2025

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CM APPL. 74214/2025-(Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. By virtue of the present petition, the petitioner seeks the following reliefs:-

“A. Set aside the impugned order dated 15.09.2025 passed by Principal District & Sessions Judge, New Delhi, Patiala House Courts, New Delhi in PPA no. 12/2023 titled as ‘M/S Performance Motors Pvt. Ltd. V/S Indian Tourism Development Corporation’ whereby the appeal filed by the Petitioner herein was dismissed; and



B. Set aside the impugned order dt. 16.05.2023 passed by Estate Officer, Indian Tourism Development Corporation Ltd. in petition no. EO/1310/2024/SAMRAT whereby the application filed by the Petitioner herein under order 7 rule 11 CPC was dismissed; and

C. Allow the application filed by the Petitioner herein (Respondent before the Ld. Estate Officer) under Order 7 rule 11 CPC in petition no. E0/131 0/2024/SAMRA T;”

4. *Succinctly put, it is the case of the petitioner that in one of the rounds of litigation inter se the parties, the Hon’ble Supreme Court vide order dated 14.10.2022 granted liberty to the petitioner to raise all the objections before the learned Estate Officer. For the ease of convenience, the said order is reproduced as under:*

“Delay condoned.

Under the order impugned the matter has been remitted to the Estate Officer who is to examine the matter afresh.

Learned counsel for the petitioner submits that because of certain observations made in the order impugned, the petitioner may not be permitted to raise all objections which are available to it under the law.

We make it clear that once the matter is remitted to the Estate Officer under the order impugned, the petitioner is at liberty to raise all objections in the pending proceedings before the Estate Officer as available under the law.

With the aforesaid observations, the Special Leave Petition stands dismissed.

Pending application(s), if any, shall stand disposed of.”



5. Subsequently, the parties went before the learned Estate Officer, who *vide* order dated 16.05.2023, passed in petition no. E0/1310/2024/SAMRAT, dismissed the petitioner's application under *Order VII rule 11* of the Code of Civil Procedure, 1908 holding it be "...*completely bereft of merit... ..*" primarily in view of the findings as under:-

"It is evident form the above that:-

- The Hon'ble Supreme Court of India has not interfered with the Judgement passed by the Hon'ble High Court of Delhi and*

- The High Court of Delhi has upheld the Judgment passed by the Ld. Additional District Judge, Patiala House Courts/Appellate Authority*

Therefore, the aforesaid Judgements are still valid and this Court is duty bound to:-

- Abide by the directions given by Ld. Additional District & Sessions Judge while remanding Case No. E0/1310/2014/Samrat back to the Estate Officer and*

- Comply with the observations of the Hon'ble High Court of Delhi in the aforesaid Judgement which are binding on this Court.*

22. It is pertinent to mention here that while the Hon'ble Supreme Court of India in its Order dated 14.10.2022 has given liberty to the Respondent as follows:-

We make it clear that once the matter is remitted to I he Estate Officer under /he order impugned, the petitioner is at liberty to raise all objections in the pending proceedings before the Estate Officer as available under the law.



However, the "objections" "as available under the law" do not bestow any right upon the Respondent to agitate the questions already dealt with by the Hon'ble High Court of Delhi in the Application filed under Order 7 Rule 11 of the Code of Civil Procedure, 1908.

In case any objections as available under law are raised by the Respondent the same shall be dealt with at the final stage of these proceedings in terms of the Judgement of Hon'ble Supreme Court in the case titled as Bipin Shantilal Panchal vs State of Gujarat and Ors (MANU/1529/2001)."

6. Against the said order dated 16.05.2023, the petitioner filed an appeal under *Section 9* of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, wherein the learned Principal District & Sessions Judge, New Delhi, Patiala House Courts, New Delhi *vide* the impugned order dated 15.09.2025, dismissed the said appeal and affirmed the order dated 16.05.2023.

7. Considering the aforesaid, learned senior counsel for the petitioner submits that once the Hon'ble Supreme Court has categorically granted liberty to the petitioner to raise "... *...all objections in the pending proceedings before the Estate Officer as available under the law... ..s*", there was no reason for the learned Estate Officer to dismiss the petitioner's application under *Order VII rule 11 CPC* as also for the learned Principal District & Sessions Judge, New Delhi, Patiala House Courts, New Delhi to uphold the order dated 16.05.2023 thereafter.

8. Issue notice.

9. Learned counsel appearing on advance service for the respondent, accepts notice. He seeks and is granted, a period of *four weeks* to file



reply. Rejoinder thereto, if any, be filed within a period of *two weeks* thereafter.

10. Renotify on 02.03.2026.

SAURABH BANERJEE, J

DECEMBER 1, 2025
NA