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

+ **W.P.(C) 17338/2024 & CM APPL. 73798/2024**

UNITED PROGRESSIVE PARENTS ASSOCIATIONPetitioner

Through: Mr. Manish Gupta, Mr. Sandeep Gupta, Ms. Kanchan Gupta, Ms. Deepti Verma, Mr. Prateek Gupta and Mr. Sanjay Mangal, Advocates

versus

GNCTD AND ORS

.....Respondents

Through: Mr. Sumit K. Batra, Advocate for R-1 & 2
Mr. Puneet Mittal, Senior Advocate with Mr. Rupendra Pratap Singh and Ms. Sakshi Mendiratta, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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31.01.2025

Mr. Puneet Mittal, learned Senior Counsel has appeared on advance notice on behalf of respondent no. 3 and submits that the present petition is a gross misuse and abuse of process of the Court.

Learned Senior Counsel for the respondent no. 3 submits that CMP no. 38930/2023 was filed by the present petitioner in W.P.(C) no. 17102/2022. Learned Senior Counsel has handed over the copy of such application and has invited attention to the prayer made in the said application, which is reproduced as under:-



“a) Allow the application and direct the Petitioner No. 1 to claim/charge fees as approved by Respondent No.2 for the academic year 2015-2016 from the students of the Applicant Society members and to adjust/ set off the excess fees illegally collected from the students of the Applicant Society members for the academic year 2020-21, 2021-22 & 2022-23 and adjust the same in the fee of the current academic session 2023-24 till the pendency of the present writ petition, and also;

b) To restrain the Petitioner No. 1 School from charging the unilaterally enhanced fees from the Applicant's members of the Society for the current academic session 2023-24;

c) Pass any other or further order/s be made and/ or direction or directions be given as this Hon'ble Court may deem fit and proper.”

Learned Senior Counsel submits that the prayers in the present writ petition are essentially identical to those previously made. However, an effort has been made to draft the prayer in a manner that gives it a different appearance. Despite this, in substance, the reliefs sought remain the same. Furthermore, Learned Senior Counsel submits that this application was previously heard by a Coordinate Bench of this Court on 01.08.2023 and was dismissed.

Learned Senior Counsel also points out that the petitioner, in his individual capacity, has also filed W.P.(C) No. 14186/2024, titled *Nikunj Gupta vs. Delhi Public School & Ors.*, which is scheduled for hearing on 11.03.2025. It is further submitted that there is no disclosure in the present writ petition regarding the filing of CMP No. 38930/2023 in W.P.(C) No. 17102/2022.



List the present application for arguments on the maintainability on
08.07.2024.

JANUARY 31, 2025
N/SMG

DINESH KUMAR SHARMA, J