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

+ **W.P.(C) 8353/2015 & CM APPL. 17709/2015**

M/S NORTH DELHI METRO MALL PVT. LTD.Petitioner

Through: Mr. Amit Sibal, Sr. Advocate with
Mr. Hardeep Sachdeva, Mr. Kamal
Shankar, Mr. Abhishek Awasthi, Mr.
Pradyumna, Mr. Arjun Narang, Mr.
Maaz Ahmad, Mr. Vinamra and Mr.
Darpan Sachdeva, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORSRespondents

Through: Ms. Harshita Nathrani, Advocate for
Mr. Sameer Vashisht, ASC for R-1.
Mr. Rajeshwar Singh and Mrs. Neeraj
Singh, Advocates for R-2.
Mr. Akhil and Ms. Sunanda,
Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

02.12.2024

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1. Learned Counsel for the Respondents requests for a passover. However, since it is almost 4:00 p.m., a passover is not feasible.
2. Learned Senior Counsel for the Petitioner submits that the challenge in the present Petition is limited. The Impugned Order which is passed by Collector of Stamps/Respondent No.1 is based on an incorrect understanding of the agreements executed between the parties. He submits that the Petitioner was a mere licensee as is clear from the documents which



are annexed alongwith the Petition, including the Memorandum of Agreement dated 11.07.2014 executed between the Delhi Metro Rail Corporation and Union of India/Respondent No.3.

2.1 He submits that the Petitioner's agreement was a back-to-back agreement with Delhi Metro Rail Corporation and relying on Clauses XVII, XIX and XXX of this Agreement, he contends that since there was no transfer of title by the Union of India to Delhi Metro Rail Corporation, there was no question of title being transferred to the Petitioner from Delhi Metro Rail Corporation.

3. Learned Senior Counsel for the Petitioner further submits that although show cause notices were issued to the Petitioner, their Replies to the show cause notices have not been considered by the Respondents at all.

4. Learned Senior Counsel further relying on the provisions of Section 47A (3) of The Indian Stamps (Delhi Amendment) Act, 2001, submits that the penalty of this nature can only be imposed within two years under this provision, however the penalty which has been imposed by the Impugned Order is after a lapse of about four years.

5. In the meantime, the parties shall file their short note of contentions in the matter at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

6. List for directions on 16.12.2024 in the Supplementary List.

TARA VITASTA GANJU, J

DECEMBER 2, 2024/pa

[Click here to check corrigendum, if any](#)