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

+ **W.P.(C) 9236/2017 & CM APPL. 37765/2017**

SHRI OM PRAKASH GROVER AND ORS. Petitioners

Through: Mr. Vipin Singhania, Mr. P.K. Jha, Mr. Saket Sharma,
Advocates
(M:9811175818,email:vipinsin
ghania@gmail.com)

versus

MUNICIPAL CORPORATION OF DELHI Respondent

Through: Mr. Ajay Digpaul, Mr. Kamal Digpaul, Ms. Swati Kwatra,
Advocates for R-1
(M:9811157265)
Mr. Parvinder Chauhan, Mr. Sushil Dixit, Ms. Aakriti Garg,
Advocates for DUSIB
(M:8077154576)
Mr. Tapeswar Vats for DUSIB

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.04.2023

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[Physical Hearing/ Hybrid Hearing]

1. The present writ petition pertains to three shops being occupied by the petitioner bearing No. 4622, 4623, 4624/XII, Arya Pura, Subzi Mandi, Delhi 110007.
2. The license in favour of the petitioner has already been cancelled way back in the year 2000. The suit filed by the petitioner against cancellation of the license has also been dismissed. Thus, the facts remains that there is no license in favour of the petitioner since



the year 2000.

3. The present writ petition has been filed against the order dated 27.07.2017 passed by the District and Sessions Judge, Tis Hazari Court, by which the order passed by the Estate Officer dated 14.12.2011 has been partly confirmed. By the impugned order dated 27.07.2017 passed by the District & Sessions Judge, directions have been made for payment of damages @ 6,978 per month w.e.f. 05.04.2000 with simple interest @ 12% per annum till final payment is made.

4. During the course of arguments, ld. Standing Counsel appearing for respondent Delhi Urban Shelter Improvement Board (DUSIB) submits that the petitioner has not been making any payments since the year 2000, except intermittent payments made by the petitioner.

5. Ld. Counsel for petitioner submits that at the time of grant of stay by the ld. District & Sessions Judge, directions had been made to pay 40% of the amount of damages as awarded against the petitioner by the Estate Officer. Thus, it is submitted that an amount of Rs. 5,66,712/- was paid by the petitioner in the year 2012.

6. Ld. Counsel for respondent submits that no payment has come to be made by the petitioner after the year 2012. Thus, it transpires that since the last more than 11 years, the petitioner has been in occupation of shops which belongs to the respondent DUSIB without payment of license fees/ damage charges. Therefore, before this Court hears the present matter, it is deemed expedient that the petitioner makes payment to the DUSIB towards the damage charges as accorded by the Estate Officer.



7. At this stage Id. Counsel for the petitioner submits that he needs time to seek instructions as to what amount the petitioner would pay and within what time.
8. To await the instructions on behalf of the petitioner, list for hearing on 24.04.2023.

MINI PUSHKARNA, J

APRIL 10, 2023/au