

Auto Parivar Charitable Welfare ... vs Govt. Of Nct Of Delhi on 22 November, 2021

Author: Sanjeev Sachdeva

Bench: Sanjeev Sachdeva

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 13090/2021

AUTO PARIVAR CHARITABLE WELFARE SOCIETY &

Through Mr. Nikhil Nayyar, Se
with Mr. Amit Agrawal
Sugandha Batra, Mr. D
Ms. Radhika Yadav, Mr
Kukreja and Mr. Naman
Advocates.

versus

GOVT. OF NCT OF DELHI

Through

Mr. San
Standin
Rishike
Panwar
Diwedi,

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% 22.11.2021 CM. APPL. 41296-97/2021 Exemption is allowed, subject to all just exceptions.

W.P.(C) 13090/2021 & CM. APPL. 41295/2021

1. Petitioners seek quashing of advertisement dated 18.10.2021 and public notice dated 24.10.2021, whereby respondent has called for applications for issuance of permit of 4261 electric auto rickshaws.

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W.P.(C) 13090/2021

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to HMJ Sanjeev Sachdeva.

2. Learned counsel for the petitioner inter alia submits that the advertisement is silent about the mode and manner of allotment and does not give any detail as to how the selection of the applicants is to take place.
3. Learned counsel further submits that the report of the Expert Committee on Matter of Auto Rickshaws Fare Revision had found that there are three categories of auto service suppliers viz., (a) Autos run by owner-operators. (b) Small fleet owners who owned autos, possessed permits, but engaged auto drivers to operate the autos; (some owners also drove their vehicles) (c) Financiers/ fleet-owners who owned autos, possessed permits to ply, and leased out the autos on a monthly/daily rental to persons who operated the autos.
4. Learned senior counsel for the petitioner submits that the policy is not clear as to which category of individuals are sought to be benefited by the said policy. Learned counsel submits the fact that financial incentives have been proposed in the policy seems to indicate that the policy is also for the benefit of individuals to secure employment.
5. Learned counsel submits that since the policy is silent about the mode and manner of allotment, there is a possibility of misuse and grant of permit without following due process.
6. Issue notice. Notice is accepted by learned counsel for respondents.

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7. Learned counsel for respondent submits that the allotment is to be on the basis of a computerised draw of lots and the manner of allotment was finalised prior to issuance of advertisement. He prays for time to file a counter affidavit.
8. Learned counsel submits that process of verification of the applications is still on and draw of lots is not likely to take at least before three weeks.
9. Let counter affidavit be filed within two weeks. Rejoinder within one week thereafter.
10. List on 13.12.2021.
11. In view of the statement that draw of lots is not likely to take place before three weeks, orders on the prayer for interim order is deferred till the next date.

NOVEMBER 22, 2021

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