

OFFICE OF THE DISTRICT & SESSIONS JUDGE :NORTH-WEST DISTRICT:  
ROHINI COURTS:DELHI

Genl.I/RC/NW/2019/...31447 - 31517

Delhi, dated the ...16/10/19

To

All the Ld. Judicial Officers,  
North-West & North District,  
Rohini Courts, Delhi.

**Sub:- Judgment/Order dated 11.09.2015 in RFA No. 78/2014 and order dated 07.09.2016 passed by the Hon'ble Mr. Justice J.R. Midha in CM No. 32885/2016 in RFA No. 78/2014 titled as "New Delhi Municipal Corporation Vs. M/S Prominent Hotels Limited"-regarding.**

Respected Madam/Sir(s)

I have been directed by the Ld. Link Officer In-charge, General Branch-I, North-West & North District, Rohini Courts Complex, Delhi to enclose herewith the hard copy of Para No. 31.2, 31.3 and 31.4 of order dated 11.09.2015 and hard copy of order dated 07.09.2016 (modifying the order dated 11.09.2015) on the above cited subject, for information and submission of compliance report at the earliest to this office so that the same may be transmitted to the Hon'ble High Court of Delhi, New Delhi.

Thanking you.

Yours faithfully,



(Branch Incharge)

General Branch-I, N-W & North District,  
Rohini Courts, Delhi

Encl: As above

Genl.I/RC/NW/2019/.....

Delhi, dated the .....

**A hard copy of the same is being forwarded for information & necessary action to :**

1. The Website Committee, Computer Branch, Rohini Court for uploading the same.
2. The In-charge, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS.



(Branch Incharge)

General Branch-I, N-W & North District,  
Rohini Courts, Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. <sup>5369-80</sup> /Judgment /G-2/Gaz./DHC /2019

Dated: 9, October, 2019.

From:

The Registrar General,  
High Court of Delhi,  
New Delhi-110003.

To,

1. The District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The District & Sessions Judge (South), Saket Courts Complex, New Delhi.
3. The District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
4. The District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
5. The Principal Judge, Family Court (HQs), South-West, Dwarka, Delhi.
6. The District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
7. The District & Sessions Judge (North), Rohini Courts Complex, Delhi.
8. The District & Sessions Judge- Cum- Special Judge (PC Act) (CBI) Rouse Avenue Courts Complex, New Delhi.
9. The District & Sessions Judge (South-East), Saket Courts complex, Delhi.
10. The District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
11. The District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
12. The District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.

Subject: Order dated 11.09.2015 in RFA No. 78/2014 and order dated 07.09.2016 passed by Hon'ble Mr. Justice J.R. Midha in CM No. 32885/2016 in RFA No. 78/2014 titled "New Delhi Municipal Corporation Vs M/S Prominent Hotels Limited"- regarding.

Sir/Madam,

I am directed to refer to this Court letter No.3348-60/DHC/Gaz/G-2/Judgment/2019, dated 10.06.2019, on the above subject, and to say that the compliance report in terms of para no. 31.2 of the order has not been received so far. You are, therefore, requested to furnish the compliance report in terms of Para no. 31.2 of order dated 07.09.2016 modifying the order dated 11.09.2015, passed by Hon'ble Mr. Justice J. R. Midha in CM No. 32885/2016 in RFA No. 78/2014 titled "New Delhi Municipal Corporation Vs M/S Prominent Hotels Limited".

Yours faithfully,



(Jugal Kishore)

Deputy Registrar (Gazette-I)  
for Registrar General

Marked to hol- o/c Genl-Br I for  
h.a.

S-41

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IN THE HIGH COURT OF DELHI AT NEW DELHI

REA 78/2014

NEW DELHI MUNICIPAL CORPORATION ..... Appellant  
Through Mr. Viraj R. Datar, nominated  
counsel for Delhi High Court in C.M.  
32885/2016

versus

M/S PROMINENT HOTELS LIMITED ..... Respondent  
Through

**CORAM:**  
**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

**07.09.2016**

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1. The High Court is seeking modification of paras 31.2, 31.3 and 31.4 of the judgment dated 11<sup>th</sup> September, 2015 whereby certain directions have been given to the Trial Courts. Since the modification sought does not concern either of the parties, notice to the parties is dispensed with and the application is taken up for hearing.
2. Learned counsel for the applicant submits that the directions contained in paras 31.2, 31.3 and 31.4 have a salutary effect on the process of streamlining and purifying the system of administration of justice and aim to achieve speedy and effective disposal of cases pending before the District Courts. It is further submitted that it is necessary to decide the modalities for implementation of the aforesaid directions without disturbing the regular judicial work. It is further submitted that a decision is necessary to be taken by the Hon'ble Chief Justice on the Administrative side about the consequential decisions to be taken by the ACRs Committees/Committees of Inspecting Judges of this Court while recording the ACRs of the Judicial

officers. It is prayed that the matter be placed before the Hon'ble Chief Justice on the Administrative side for taking appropriate decision regarding the modalities to be followed for implementation of the directions contained in paras 31.2, 31.3 and 31.4 of the judgment dated 11<sup>th</sup> September, 2015.

3. This Court is satisfied that this matter be placed before Hon'ble the Chief Justice on the Administrative Side for working out the modalities for implementation of the directions contained in the judgment dated 11<sup>th</sup> September, 2015.

4. This Court is further of the view that Section 209 of the Indian Penal Code should be invoked in cases of false claims. In a recent decision of this Court in *H.S. Bedi v. National Highway Authority of India*, 220 (2015) DLT 179, this Court has examined the scope of Section 209 of the Indian Penal Code.

5. In view of the above, the application is allowed and paras 31.2, 31.3 and 31.4 of the judgment are substituted with the following two paragraphs:

*"31.2 This Court is of the view that day-to-day trial should be conducted in such frivolous suits. This Court is further of the view that Section 209 of the Indian Penal Code should be invoked in cases of false claims. The first thing required in this regard is to identify the frivolous cases pending before the Trial Courts. This Court is of the view that the Courts below should initially scan the pending cases which are more than five years old and identify cases in which there is prima facie material to show that having secured an ad-interim order, the litigant is deliberately delaying the disposal of the suit. The Trial Courts should also identify the cases in which there is an objection to the jurisdiction of the civil Court to entertain and try the suit. This Court is further of the view that the Trial Courts should complete this exercise within two months and submit their report with respect to the*

*particulars of such cases to the District Judges who shall place the report before the ACR Committee of the respective Trial Court Judges. The hearings of such cases also need to be expedited with a fixed time frame.*

*31.3 This judgment be placed before the Hon'ble Chief Justice of this Court on the Administrative side for considering the aforesaid suggestions and issuing appropriate directions."*

6. Copy of this order be given *dasti* under signature of the Court Master to learned counsel for the applicant.

**J.R. MIDHA, J.**

**SEPTEMBER 07, 2016**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA 78/2014 & CM Nos.4137/2014 & 15024/2014

Date of Decision: September 11, 2015

NEW DELHI MUNICIPAL COUNCIL ..... Appellant

Through: Mr. Sanjay Poddar, Senior Advocate  
with Ms. Rachna Golchha, Mr.  
Govind Kumar, Ms. Pavni Poddar,  
Advocates with Mr. Kishore Prashad,  
Senior Assistant, NDMC.

versus

M/S PROMINENT HOTELS LIMITED ..... Respondent

Through: Mr. Amit S. Chadha, Senior Advocate  
with Mr. Vishal Singh, Mr. Sahil  
Mongia and Mr. Abhishek Sharma,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

### JUDGMENT

1. The appellant, NDMC, has challenged the impugned judgment and decree dated 22<sup>nd</sup> November, 2013 whereby the Trial Court has decreed the respondent's suit for declaration, permanent and mandatory injunction.

#### 2. Factual matrix

2.1. NDMC invited tenders for licence of plot No.37, Shaheed Bhagat Singh Marg, New Delhi measuring 0.66 acres for the construction and commissioning of a youth hostel to meet the

requirement of ASIAD games in 1982.

2.2. M/s P.S.J. Housing Enterprises Pvt. Ltd. submitted the highest bid, which was accepted by NDMC and a licence deed dated 4<sup>th</sup> November, 1981 was executed by NDMC in favour of M/s. P.S.J. Housing Enterprises Pvt. Ltd. In terms of clause 22 of the licence deed dated 4<sup>th</sup> November, 1981, M/s. PSJ Housing Enterprises Pvt. Ltd. incorporated a public company, M/s. Prominent Hotels Ltd. with the object of taking over the youth hostel.

2.3. On 16<sup>th</sup> July, 1982, NDMC executed a licence deed dated 16<sup>th</sup> July, 1982 in favour of M/s Prominent Hotels Ltd. (hereinafter referred to as 'Licensee') for running an international youth hostel for a period of 99 years with effect from 4<sup>th</sup> November, 1981 subject to increase in licence fee after every 33 years.

2.4. The Licensee constructed a luxurious hotel, instead of a youth hostel, on the licensed plot which was completed in September, 1987.

2.5. In September, 1987, the management of the Licensee changed by the sale of the project by H.R. Sabharwal group to Hari Ram Kakkar, an Afgan national of Indian origin who invested in this project.

2.6. The licence deed provides for a minimum guaranteed licence fee of Rs.21,08,040/- or 23% of the annual gross turnover of the Licensee, whichever is more, from the date of handing over of the possession, i.e. 4<sup>th</sup> November, 1981.

2.7. Clause 5 of the licence deed dated 16<sup>th</sup> July, 1982 requires the Licensee to furnish the annual audited reports to NDMC to enable the

31.2. This Court is of the view that day to day trial should be conducted in such frivolous suits. The first thing required in this regard is to identify the frivolous cases pending before the Trial Courts. All the Courts below are, therefore, directed to initially scan the pending cases which are more than 5 years old and identify cases in which there is prima facie material to show that having secured *ad interim* order, the litigant is deliberately delaying the disposal of the suit. The Trial Courts shall also identify the cases in which there is an objection relating to the bar of the jurisdiction of the Civil Court to entertain and try the suit. The Trial Courts shall complete this exercise within two months and submit their report with respect to the particulars of such cases to the District Judge, who shall place the report (through the Registrar General of this Court) before the ACR Committee of the Trial Court judges. The Trial Court shall expedite the hearing of such cases and also submit a report with respect to the time frame required to decide those cases.

31.3. The report of the Trial Courts in respect of five year old cases shall contain the relevant particulars, namely, suit number; nature of suit; particulars of the interim order; whether any party delaying the proceedings by filing applications or otherwise; whether evidence has been concluded; how many applications have been filed in the matter; and reasons for delay in disposal.

31.4. The Registrar General shall ensure the compliance of these directions by all the Courts below. Copy of this judgment be sent to the Registrar General.

32. Considering the principles of law discussed in this judgment,



copy of this judgment be sent to the Delhi Judicial Academy. The Delhi Judicial Academy shall sensitize the judges with respect to the principles relating to the consequences for not following the well settled law.

33. Copy of this judgment be given *dasti* to both the parties.

J.R. MIDHA  
(JUDGE)

SEPTEMBER 11, 2015  
ak/rsk/dk