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

+ **CRL.M.C. 2322/2018**

UBER INDIA SYSTEMS PVT LTD Petitioner

Through : Mr Siddharth Aggarwal, Mr Abhijeet
Swaroop, Mr Ankur Khandelwal and
Ms Jhanvi Dubey, Advocates.

versus

NYAYABHOOMI & ORS Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **02.05.2018**

Crl. M.A. 8235/2018(exemption)

Allowed, subject to all just exceptions.

Crl.M.A.8237/2018(delay in re-filing for 11 days)

1. For the reasons stated in the application, the application is allowed. The delay in re-filing the petition is condoned.

2. The application stands disposed of accordingly.

CRL.M.C. 2322/2018 & Crl.M.A.8234/2018(stay)

1. The petitioner is aggrieved by the order dated 31.07.2017, whereby the petitioner has been summoned in a complaint filed by the respondents alleging violation of Sections 192A and 193 of the Motor Vehicles Act, 1988 (hereinafter referred to as '*the M.V.Act*').

2. Learned senior counsel for the petitioner submits that the said Sections are not applicable to the petitioner inasmuch as the petitioner

does not perform the services of an Agent or a Canvasser as traditionally understood under the M.V.Act.

3. It is submitted that petitioner is a service provider on an electronic platform facilitating booking of radio cabs/e-cabs, in respect of which there are no provisions framed under the M.V.Act, and there are petitions pending and even a Bill has been introduced in the Parliament seeking to regulate the kind of services being provided by the petitioner.

4. Further, it is contended that the entire complaint is at behest of a competitor. It is contended that the complainant in support of his complaint has produced Mr Rakesh Aggarwal, as a witness and Mr Rakesh Aggarwal is a Director in a competitor Company, under the name and style of Magic Sewa, which competitor has already filed a petition being W.P.(C) No.3114/2016 seeking prosecution of the petitioner for alleged breach of the provisions of the M.V.Act and the said Writ Petition is already pending.

5. Issue notice to the respondents, returnable on 20th August, 2018.

6. In the meantime, further proceedings in Complaint Case No. 540785/2016, Police Station I.P.Estate, shall remain stayed.

7. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 02, 2018

‘Sd’