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

+ **W.P.(C) 8764/2015**

**SAURABH JAIN**

..... Petitioner

Through: **Mr. Anurag Jain, Adv.**

**Versus**

**NORTH DELHI MUNICIPAL CORPORATION** ..... Respondent

Through: **Mr. Ajay Arora and Mr. Kapil Dutta,**  
**Adv.**

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

**% 11.09.2015**

**CM No.19354/2015 (for exemption)**

1. Allowed, subject to just exception.

2. The application is disposed of.

**W.P.(C) 8764/2015 & CM No.19353/2015 (for directions)**

3. The petition has been received after lunch, for the reason of the Roster Bench of Justice V.P. Vaish being on leave.

4. The petition impugns the sealing by the respondent North Delhi Municipal Corporation (NrDMC) of Shop No.102 on the first floor of property No.1526, Bhagirath Palace, Chandni Chowk, Delhi of the petitioner. The petitioner has availed of the statutory remedy of appeal before the Appellate Tribunal, Municipal Corporation of Delhi (ATMCD) but owing to the Presiding Officer of the ATMCD not having the requisite

**W.P.(C) 8764/2015**

*Page 1 of 2*

powers, the application for interim relief filed with the said appeal could not be taken up for consideration; hence this petition seeking de-sealing of the shop during the pendency of the appeal.

5. The powers in favour of the Presiding Officer of the ATMCD are likely to be notified today and it is expected that the ATMCD would be functional from Monday i.e. 14<sup>th</sup> September, 2015.

6. The counsel for the respondent NrDMC appearing on advance notice also informs that the said shop was sealed on 4<sup>th</sup> September, 2015 in pursuance to the order dated 2<sup>nd</sup> September, 2015 in W.P.(C) No.8459/2015 titled *Shri Nath Ji Developers Vs. NDMC*.

7. In that view of the matter, it is deemed appropriate that the prayer for interim de-sealing of the shop be also heard by the ATMCD.

8. The petition is accordingly disposed of with liberty to the petitioner to apply for revival, if the Notification vesting powers in favour of the ATMCD is not issued by 16<sup>th</sup> September, 2015.

SEPTEMBER 11, 2015  
bs..

RAJIV SAHAI ENDLAW, J.

W.P.(C) 8764/2015

Page 2 of 2

- CM No. 20210/15 (Revival of Petition)  
- CM No. 20211/15 (Exemption)