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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2240/2013**

M/S ISHERDAS SAHNI AND BROS Petitioners
Through: **Mr. Kanishk Ahuja, Advocate**

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents
Through: **Mr. Anil Grover, Standing Counsel**
with Ms. Nupur Singhal & Mr. Anant
Kumar, Chief Engineer (Civil)

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

% **05.02.2016**

R.P. NO. 48/2014 & CM APPL.NO. 1412/2014

Pursuant to orders passed on 10.04.2015, an additional affidavit has been filed by the Chairperson of the NDMC on 18.08.2015 setting down the background and circumstances under which the impugned actions of the NDMC were taken that led also to the proceedings being initiated in contempt by the respondents. At the same time, the names and complete particulars of all the officers, who had charge of and dealt with the matter in question at the relevant time have also been duly disclosed in the additional affidavit. The particulars of these officers are as follows:

Sl. No.	Name of Officer	Designation
1.	Mr. Anant Kumar	Chief Engineer (C-I)
2.	Mr. H.P. Singh	Superintending Engineer (C.P.)

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|----|-------------------|---------------------------|
| 3. | Mr. G.S. Aggarwal | Executive Engineer (C.P.) |
| 4. | Mr. R.K. Sharma | Assistant Engineer (C.P.) |
| 5. | Mr. Yesh Pal | Junior Engineer (C.P.) |
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Counsel for the applicant states that the personal affidavit of the Chairperson of the NDMC was not filed in the instant case although it was so directed by this Court on 17.11.2014 due to some miscommunication between the counsel and also intradepartmentally and due to a misunderstanding on the part of the Department which was of the bonafide belief that the affidavit of a duly authorised officer would also suffice. He states that with a view to correcting this anomaly, the aforesaid affidavit of the Chairperson has now been duly filed. He further states that looking to the erroneous approach that came to be adopted in this matter, in fact, certain corrective measures with regard to the proper appreciation and implementation of courts' orders have also been put in place. Furthermore, as regards the area in question where the disputed structure had come up, the same has been now completely cleared of that structure and the site has been returned to its original condition and the NDMC has no intention to tamper with the same in future also to the detriment of any existing plans and area layout.

He further states that he now has instructions to withdraw this review application and prays that the matter be given a closure.

Mr. Anant Kumar, Chief Engineer, is also present in person along with Shri R.K. Sharma, Assistant Engineer. Both these officers were also

amongst the officers who were concerned with the matter at the relevant time. Mr. Anant Kumar, Chief Engineer, also approbates the stand of his counsel and states that the matter be now given a closure since all remedial measures on the spot, as well as administratively, have been taken to ensure that such things are not repeated in future.

Under the circumstances, to my mind also, the matter deserves a closure.

Consequently, the review petition along with the accompanying application stand dismissed as withdrawn.

SUDERSHAN KUMAR MISRA, J.

FEBRUARY 05, 2016
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