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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 366/2016, CM Nos. 21524-21526/2016
ABHYUDAY AUTOMATION CONCEPTS & TECHNOLOGIES
PVT LTD Appellant

Through: Mr. Giriraj Subramaniam, Advocate
alongwith Mr. Simarpal Singh
Sawhney, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS
..... Respondents

Through: Mr. Ram Kumar, Advocate for
R-1/NDMC.
Mr. Ajjay Arora, Advocate alongwith
mr. Sandeep Singh, Advocate for
MCD.
Mr. Sidharth Joshi Advocate
alongwith Mr. Tarique Yazdani,
Advocate for R-3.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **31.05.2016**

Issue notice. Mr. Ram Kumar, Advocate appearing on behalf of
the respondent accepts notice.

We have heard the counsel for the parties. The appellant's
grievance is that the learned Single Judge omitted to provide any
interim relief in the writ petition complaining against seizure of the

appellant's water dispensers (duly certified by BIS Standard) - permitted by the Delhi Metro Rail Corporation to be fixed at 80 locations on its properties. These were allegedly seized on the ground that the appellant has not obtained licence from the Municipal Corporations (South Delhi, North Delhi and the East Delhi Corporations).

The documents placed on the record would show that the DMRC has permitted the appellants to vend BIS compliant water; the BIS Certificates are also on record. Counsel for the Municipal Corporations relies upon Clause 16 of the Licences with DMRC which states *inter alia* that applicable municipal licences have to be obtained and states since no licensing arrangement was resorted to, the vending machines were removed from the site.

This Court is of the opinion that removal of the vending machines is not appropriate given the harsh heat conditions prevailing in the city. Furthermore, such drastic action would leave the community gravely inconvenienced. Under the circumstances, having regard to the nature of their arrangement and the quality of the water which appears to be the best quality of drinking water, the Court is of the opinion that the MCD should consider and pass appropriate orders with respect to the licensing applications to be made by the appellant. In case the application is made in this regard by the applicant, the appellant may appropriately apply for licenses in respect of the 80 locations within three days, in which event the MCD shall process it and make necessary orders as expeditiously as possible and in any case within 15 days. It is clarified that having regard to the

nature of the appeal rendered, the MCD should not take any coercive action in seizing the vending machine, till the issue of licensing is resolved.

The appeal is disposed of in the above terms.

Dasti be given under the signatures of the Court Master.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MAY 31, 2016

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