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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11416/2016**
M/S ANANT RAJ LIMITED

..... Petitioner
Through Mr.Ravi Gupta, Sr. Adv. and
Mr.Rajeev Kumar Yadav, Advocate.

versus

SOUTH DELH MUNICIPAL CORPORATION

..... Respondent
Through Mr.Rakesh Mittal, Standing Counsel
for SDMC.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **02.12.2016**

C.M. No.44746/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 11416/2016

Petitioner before this Court is aggrieved by the fact that in spite of his last representation having been made before the respondent on 14.9.2016 for grant of sanction plan for construction of a motel, the same has not been answered. The case of the petitioner is that he had purchased a piece of land on 02.02.2005 in the revenue estate of Village Bhati, New Delhi. On 18.7.2005, he had submitted an application before the respondent-Corporation for sanction of his building plan for the purpose of construction of a motel. The

petitioner pleaded that this was a case of deemed sanction in terms of Section 337 of the Delhi Municipal Corporation Act, 1957 as no response has been received from the Department within the stipulated period. However, since the Department failed to deliver the deemed sanction plan to the petitioner, the petitioner was constrained to file a writ petition i.e. WP(C) 23836/2005 which was disposed of on 17.01.2006. Pursuant to the directions passed by the Court in that writ petition, the petitioner was asked to comply with certain requirements which were responded to. On 13.3.2006, the application filed by the petitioner seeking sanction of his building plan was rejected. Aggrieved by the said order, the petitioner preferred an appeal. During the pendency of that appeal MPD-2021 came into effect. The petitioner accordingly withdrew his appeal which was pending; this was on 12.5.2008. Submission of the petitioner that Notification dated 16.9.2013 issued by the Ministry of Urban Development has modified MPD-2021 and thus motels with sanction plans as on 07.02.2007 or whose proposal of motel had been acceded to (including all such proposal of motel which were in progress of examination or matter challenged in the Court of law or having approval in files from DDA or MCD or not acceded due to enforcement of MPD-2021 on 07.02.2007 were also eligible for sanction. His submission is that in the light of the said notification a fresh representation has been made by the petitioner on 14.9.2016, which remains unanswered.

On advance notice, learned counsel for respondent has put in appearance. He has drawn attention of this Court to the aforementioned

notification dated 16.9.2013. His submission is that the case of the petitioner would not fall within the parameters of this notification. This position is disputed by learned senior counsel for the petitioner. He submits that on a similar circumstance in WP(C) 2548/2010 Anant Raj Agencies Pvt. Ltd. Vs. Municipal Corporation of Delhi decided on 23.3.2016 the Coordinate Bench of this Court had been pleased to accede to the prayer made by the petitioner.

Be that as it may, this Court is of the view that the representation made by the petitioner shall be answered in accordance with law within an outer span of eight weeks from the receipt of the order.

Petition disposed of.

INDERMEET KAUR, J

DECEMBER 02, 2016
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