

\$~10

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

+ W.P.(C) 1780/2016 & C.M. No.7627/2016

PRICEWATERHOUSECOOPERS PRIVATE LIMITED

..... Petitioner

Through Ms. Gurmeet Bindra, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through Ms. Shobha Gupta and Ms. Spandans,
Adv. along with Mr. S.K. Jain, AE.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **11.01.2017**

Record shows that vide order dated 20.08.2007, an order was passed by the Appellate Tribunal of the Municipal Corporation of Delhi (ATMCD) wherein the sealing order qua the property of the petitioner had been set aside and the respondent/South Delhi Municipal Corporation had been directed to forthwith de-seal the property of the petitioner. Relevant would it be to note that the property of the petitioner is property forming a part of khasra No. 30, Saidulajab, Mehrauli Badarpur Road, Delhi.

The petitioner in the year 1993 purchased a plot No. P-1 along with the constructed area of 1220 square meters in khasra No. 30, Saidulajab, Mehrauli Badarpur Road, Delhi. This building was being used by the petitioner for an office purpose. This property abuts the main Mehrauli Badarpur Road and number of buildings adjoining the property are being used for the commercial purpose. The aforementioned

property of the petitioner was sealed on 10.01.2006. A writ petition bearing No. W.P. (C) No.543/2006 titled Price Water House Corporation Private Limited Vs. Municipal Corporation of Delhi was filed by the petitioner before this Court wherein a prayer for regularization of the building was made. He had also separately challenged the sealing order dated 10.01.2006. The ATMCD vide order dated 20.08.2007 had set aside the sealing order and directed the respondent Corporation to de-seal the property of the petitioner.

The writ petition filed by the petitioner was disposed of on 12.03.2012. While disposing of this petition, the contentions of the respective parties were noted and it was directed that the parties will maintain status quo qua the aforementioned property. The contention of the petitioner is that the petitioner although represented through counsel had failed to bring to the notice of the Court that there was an order enuring in favour of the petitioner for de-sealing of the property and as such the order of status quo passed by the Court while disposing of the writ petition was working to the prejudice of the petitioner.

The petitioner thereafter chose to file a clarification application. This clarification/modification application of the earlier order dated 12.03.2012 was disposed of on 22.07.2016. Copy of that has been placed on record. The earlier direction of the Court dated 12.03.2012 directing a status quo of the property was accordingly modified to the extent that the reference in para 5 (in the order dated 12.03.2012) which referred to a sealing undertaken by the MCD in respect of the suit property stood deleted; this was necessitated in view of the

admitted position that a de-sealing order passed by the ATMCD dated 20.08.2007 was enuring in favour of the petitioner.

Admittedly the order passed by the ATMCD dated 20.08.2007 has since become final.

The present writ petition has been premised on the submission of the petitioner that inspite of this order having been passed in favour of the petitioner, de-sealing of the property of the petitioner has till date not been carried out. Specific queries have been put on the counsel for the respondent. On this count, she submits that she still has to take instructions in the matter. This Court is at a loss to understand as to what instructions are to follow in view of the order passed by the ATMCD (Dated 20.08.2007) which has since become final order and vide this order, the property of the petitioner is directed to be de-sealed.

It is accordingly ordered that the property of the petitioner forming a part of khasra No. 30, Saidulajab, Mehrauli Badarpur Road, Delhi be de-sealed forthwith and preferably within two weeks from today.

Petition disposed of in the above terms.

INDERMEET KAUR, J

JANUARY 11, 2017

A