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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2016/2017 & C.M. No.8931/2017**
ICICI BANK LTD

..... Petitioner

Through Mr. Prag Chawla and Mr. Sudeep
Sudan, Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Mr. Ajjay Aroraa, Advocate for MCD

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **24.03.2017**

Respondent no.1 has put in appearance. His submission is that the petition is not maintainable as the petitioner is only a tenant in the suit premises. Submission is that respondent no.2 namely, M/s. Bulaki Cold Storage Pvt. Ltd., has already preferred an appeal which is pending before ATMCD against the demolition order and the sealing order which had been passed against him under Sections 343 and 345-A of the DMC Act. The vacation notice issued under Section 349 of the DMC Act was a corollary to those proceedings. It is respondent no.2 who has to be aggrieved and not the petitioner. Learned counsel for respondent no. 1 additionally points out that the next date fixed before the ATMCD is 29.03.2017. It is pointed out that the ATMCD has not granted any relief to respondent no.2 against which an appeal had been preferred before the learned District Judge who had

protected respondent no.2 up to 29.03.2017 on which date the matter has to be taken up and decided by the ATMCD.

Learned counsel for the petitioner at this stage submits that since no substantive relief has been sought against respondent no.2 he is not pressing service against respondent no.2. He additionally points out that it would be appropriate if the petitioner is also permitted to plead his case before ATMCD.

As noted supra next date fixed before the ATMCD is 29.03.2017. Petitioner is granted permission to approach the ATMCD to lay his grievances before the ATMCD. No coercive steps be taken against the parties till 29.03.2017.

Petition disposed of in the above terms.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

MARCH 24, 2017

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