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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 362/2016

VIJAY KUMAR KOHLI

..... Appellant

Through: Mr. Pradeep Aggarwal with Ms.
Vivya Nagpal and Mr. Arjun
Aggarwal, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS Respondents

Through: Mr. Anil Grover with Ms. Kanika
Singh and Ms. Noopur Singhal,
Advocates for respondent No.1.

Mr. Gaurav Sarin with Ms. Charul
Sarin and Mr. Abhishek Manchanda,
Advocates for respondent Nos.3 to 5.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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21.11.2017

LPA 362/2016 & CM No.21396/2016 (for ex-parte ad interim directions)

1. The appellant is aggrieved by an order of the learned Single Judge declining to revive proceeding which was disposed of earlier on 14.01.2013.
2. Learned counsel for the appellant relied upon the affidavit filed by the NDMC as well as the Local Commissioner's report to say that the restaurant activities were continuing in the lawn which was

impermissible and, in fact, contrary to the statement of the authorities. It was submitted that, in these circumstances, the Court ought to have proceeded to examine the merits of the application and not merely held that in a disposed of proceedings it was not permissible to do so.

3. This Court has considered the submissions. The material suggests that the premises are facing demolition action which has been challenged in an appropriate proceeding before the Tribunal.

4. In these circumstances, the order of the learned Single Judge cannot be termed as unreasonable and inappropriate, especially, since any comment in that order would have resulted in prejudicing the merits of the parties' submissions before the Tribunal.

5. The appeal is, therefore, dismissed.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 21, 2017
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