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

+ **W.P.(C) 7279/2017 & CM APPLs. 30138-30139/2017**

M/S MY BAR GRILL

..... Petitioner

Through

Mr. J.P. Sengh, Sr. Advocate with
Mr. Adarsh Rai, Ms. Sana Ansari,
Ms. Manisha Mehta, Ms. Vaishali
Tanwar and Mr. Prashant Kumar
Umrao, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through

Mr. Ajjay Aroraa, Adv. with Dr. V.N.
Bhagat, DHO, South Zone, SDMC.
Mr. Pankaj Sinha and Ms. Jubli
Momalia, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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23.08.2017

Petitioner is aggrieved of the revocation-cum-closure notice dated 17.8.2017 issued by the Dy. Health Officer, South Zone, whereby, the health trade licence of the petitioner to carry out the business activities of eating house has come to be revoked. The reasons given in the impugned revocation-cum-closure notice, are, as follows :

“Whereas you have been granted health license for the trade of Eating House with 48 seats in the name & style of M/S My Bar Grill situated at premises no. 28, 3rd floor Hauz Khas Village New Delhi.

Whereas your Eating House premises was inspected by

the area public health inspector on 16/8/17 and you have been found running the eating house with more than 48 seats and under most insanitary and unhygienic conditions. It is a serious violation of terms & condition of health trade license.

Whereas you were issued a show cause notice also vide no. DHO/SZ/2017/D-666 dated 28/7/2017 but on inspection you were found running the eating house under similar condition without any improvement.

Therefore, your health trade license for the above said eating house is hereby revoked and you are directed to close the trade of eating house within 48 hrs from the receipt of this letter; failing which further legal action will be taken as per DMC act including sealing of your premises.”

It is not in dispute that the subject eating house is being run on a notified road and that, health trade licence was issued to the petitioner in February 2016. During the course of hearing, Mr. Aroraa, ld. counsel for the respondents does not dispute the fact that no hearing has come to be given to the petitioner before issuing the impugned revocation-cum-closure notice either on ground of alleged insanitary and unhygienic conditions or excessive seating capacity. On the face of it, it is violation of the principles of natural justice. Suffice to say, no person can be put to harm without following the rule of *audi alteram partem*, which is a well settled proposition of law. Impugned revocation-cum-closure notice therefore, cannot be sustained on that ground itself and is quashed accordingly.

Mr. Arora, ld. counsel for the respondents, on instructions, submits that the petitioner may approach the Dy. Health Officer, South Zone for hearing and make a representation to put forth its case/plea(s) against the show cause notice for revocation, alongwith such material as may be required to justify its case. It is ordered

accordingly. It is further directed that the hearing to be so afforded to the petitioner shall be concluded within fifteen days from today. Any decision taken by the respondents on the subject matter shall be conveyed to the petitioner within three days of its taken/passing, which shall be effective not before five days from the date of the decision. Should the petitioner seek information relevant to the subject from the respondents as is available in their records, the petitioner would be at liberty to seek so and any such request shall be complied with immediately. Petition stands disposed off accordingly.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

AUGUST 23, 2017

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