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

+ LPA 745/2017, C.M. APPL.42669-42672/2017

SILVER SPOON RESTAURANTS

..... Appellant

Through : Sh. J.P. Sengh, Sr. Advocate with Sh. Prashant Kumar Unrao, Ms. Manisha Mehta, Ms. Vaishali Tanwar, Ms. Mrigna Shekhar and Ms. Udit Sharma, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through : Sh. Ajay Arora, Sh. Kapil Dutta and Ms. Divya Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE R.K. GAUBA

ORDER

% **24.11.2017**

The respondent/South Delhi Municipal Corporation (SDMC) is present on advance notice. The appeal was heard with consent on behalf of the parties.

The narrow grievance of the appellant is that the learned Single Judge adjourned the writ petition without considering the application for interim relief. It is submitted that the writ petition is now listed on 13.02.2018.

Sh. J.P. Sengh, learned senior counsel for the appellant contends that the controversy in the writ pertains to the Revocation-cum-Closure Notice issued on 17.08.2017 in this case, proposing to cancel the license to the eating house and a further direction to shut

the premises down. It is contended that the learned Single Judge concerned had, on two previous occasions, in *M/s. My Bar Grill v. SDMC and Anr.* [W.P.(C) 7279/2017, decided on 23.08.2017] and *M/s. Rabbit Hole v. SDMC and Anr.* [W.P.(C) 7593/2017, decided on 29.08.2017] quashed identically phrased Revocation-cum-Closure Notices and that given these circumstances, the prolongation of proceeding is causing undue hardship and prejudice.

This Court is of the opinion that it would be appropriate that the parties appear before the learned Single Judge who is requested to decide the merits of W.P.(C) 7754/2017 or else at least decide whether the interim order can be granted. It is submitted on behalf of the SDMC that the status report was filed before the learned Single Judge and that having regard to these circumstances, there is no necessity of filing counter affidavit. The parties are directed to be present before the learned Single Judge on 29.11.2017 on which date the matter will be taken up for further proceedings. It is also submitted that the larger issue of feasibility of having eating houses or restaurants in the locality is seized of by the Division Bench headed by Hon'ble the Acting Chief Justice.

All rights and contentions of the parties are expressly reserved.

List on 29th November, 2017 before the Single Judge.

The appeal is disposed of.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

NOVEMBER 24, 2017/ajk
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