

\$~194

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

+ W.P.(C) 11444/2017

**TATA POWER DELHI DISTRIBUTION
LIMITED**

..... Petitioner

Through: Mr Sudhir Nandrajog, Senior
Advocate with Ms Ranjana Roy
Gawai and Ms Vasudha Sen,
Advocates.

versus

**ARCHEOLOGICAL SURVEY OF INDIA
AND ORS.**

..... Respondents

Through: Mr Ravi Prakash, CGSC with Mr
Nitish Gupta and Mr Farman Ali,
Advocates for R-1/ASI.
Ms Prabhsahay Kaur, Advocate for
R-2, GNCTD with Mr Kunal Kishor,
SI, PS Civil Lines.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

20.12.2017

CM No. 46673/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 11444/2017 and CM No. 46672/2017

3. The petitioner has filed the present petition, *inter alia*, impugning a notice dated 22.08.2018 issued by the Junior Conservation Assistant, Indian Archaeological Survey, Sub-circle Kashmere Gate seeking to interdict the works being carried out by the petitioner on the ground that they are within the distance of 250 meters from the protected monuments.

4. Mr Nandrajog, learned Senior Counsel appearing for the petitioner contends that the said notice is without jurisdiction as the works being carried out fall outside the definition of the term 'construction' as defined under Section 2(dc) of the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

5. In view of the above, the learned counsel appearing for the respondents state that the present petition would be considered as a representation and an appropriate order would be passed thereon.

6. In view of the above, no further orders are required to be passed in the present petition except to direct that the petitioner would not be interdicted in carrying on the works in any manner till an appropriate order is passed by respondent no.1.

7. The petition and the pending application are disposed of with the aforesaid directions.

8. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

DECEMBER 20, 2017
RK