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

+ **W.P.(C) 2979/2018**

M/S VINAYAK PARTY HALL & RESTAURANT..... Petitioner
Through: **Mr. Vivek Sharma and Mr. Anshul Garg, Advs.**

versus

EAST DELHI MUNICIPAL CORPORATION
AND ORS Respondents
Through: **Mr. Jagdish Sagar, Adv.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **23.03.2018**

CM. No. 11951/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2979/2018

The present petition has been filed by the petitioner with the following prayers:

“In view of the facts and circumstances explained above, it is respectfully prayed that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction thereby;

(A) Setting aside the impugned cancellation of Health Trade License vide letter NO.DHO/Shah/N/2018/1449 dated 19.03.2018;

(B) Pass any other order or orders as this Hon’be Court may deem fit under the circumstances of this case.”

A reading of order dated March 19, 2018 would reveal that the health trade licence issued to the petitioner at 1450 & 1450A, GF, East Jyoti Nagar, Loni Road, Shahdara, Delhi – 93 was cancelled in view of the fact that the

petitioner was running a trade of Banquet hall instead of 48 seats restaurant. It is a conceded position that health trade licence was issued to the petitioner on June 27, 2016. The petitioner has filed a petition on the premise that show-cause notice dated February 7, 2018 was issued to the petitioner for running the premises in unhygienic conditions. A response to the show cause notice was submitted by the petitioner. It is the submission of the Ld Counsel for the petitioner, the ground of cancellation is not for unhygienic conditions. The ground, that the petitioner is running a Banquet Hall, has never been communicated. On the other hand, it is contended by Mr. Jagdish Sagar, learned counsel for the respondents that notice dated December 1, 2017 was issued to the petitioner wherein it was brought to the notice of the petitioner, that it is using the premises as Banquet Hall contrary to the licence. He would also state a reply was also submitted by the petitioner to the show-cause notice dated December 1, 2017. A perusal of the writ petition would reveal, no reference to the show-cause notice December 1, 2017 and the reply submitted by the petitioner has been made. It is apparent that a very material fact has been concealed by the petitioner, which clearly shows the ground in the impugned order dated March 19, 2018 was the ground in the show-cause notice dated December 1, 2017. Accordingly, the writ petition is dismissed by imposing a cost of Rs.10,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee within three weeks.

List this petition on May 24, 2018 for ensuring compliance of this order.

V. KAMESWAR RAO, J

MARCH 23, 2018/jg