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

+ W.P.(C) 6681/2018 and CM No. 25416/2018

M/S SHAKUMBHARI ENTERPRISES Petitioner

Through : Mr. Rahul Khurana and Mr. Mishal
Vij, Advocates with AR Mr. Nitin
Tiwari.

versus

SUB DIVISION MAGISTRATE (SEEMAPURI) & ANR

..... Respondents

Through : Mr. Shadau Forasat, Addl. Standing
Counsel, for GNCTD and Mr. Trilok
Chand Patwari.
Ms. Sakshi Popli, Adv. with Mr.
Dinesh Jindal, LO for Respondent
no.2, DPCC.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.06.2018

Vide the present petition, the petitioner has sought quashing of order dated 6th June, 2018 vide which the petitioners unit at Khasra No. 64, Sahdev Gali, New Mandoli Industrial Area, Delhi-110093 has been sealed. The other alternative prayer made by the petitioner is that Respondent no.1 be directed to de-seal the unit to enable the petitioner's unit to be considered for issuance of Consent To Establish

(CTE) and Consent to Operate (CTO) and sampling of area emission by respondent no.2. Ms. Sakshi Popli, Advocate, who appears on advance notice on behalf of respondent no.2, submits that the averment of the petitioner that the respondent no.2 cannot consider issuance of CTE till the premises is de-sealed is correct and in these circumstances learned counsel for the respondent no.1, on instructions, states that the respondent no.1 will have no objection to de-seal the premises only for the limited purpose of the same being examined by the respondent no.2 in order to arrive at a decision whether the issuance of CTE is warranted in the facts and circumstances of the present case.

Learned counsel for respondent no.2 further submits that the respondent no.2 would require de-sealing of the unit for a period of at least 10 days. Accordingly, with the consent of the parties, it is directed that respondent no.1 would de-seal the petitioner's aforesaid unit on 27th June, 2018 (Morning 11.00 a.m.) whereafter the petitioner would be permitted to operate the said unit for the next 10 days during which period Respondent no.2 would be free to make all necessary checks and carry out inspections. The unit would be sealed

again by respondent no.1 at 6.00 p.m. on 9th July, 2018. It is, however, made clear that in case respondent no.2 issues a CTE to the petitioner, it will be open for the petitioner to approach respondent no.1 for recalling of its sealing order dated 6th June, 2018. It is expected that in case such a request is made on behalf of the respondent no.1, respondent no.1 will deal with the same in its own merit by passing a reasoned and speaking order within two weeks.

The writ petition is disposed of.

REKHA PALLI
(VACATION JUDGE)

JUNE 25, 2018
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