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

+ W.P.(C) 9305/2018

VIVEK KUMAR GUPTA

..... Petitioner

Through: Mr Himansho Kaushik, Mr Mahesh
Tripathi and Mr Manish Tawar,
Advocates.

versus

DELHI CANTONMENT BOARD

..... Respondent

Through: Mr Ankur Mehra, Delhi Cantonment
Board.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.09.2018**

1. Issue notice. The learned counsel appearing for the respondent accepts notice.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-
 - “a) Allow the present petition and direct the respondent i.e. Delhi Cantonment Board to de-seal the property bearing No. “CB-217, Naraina Ring Road, New Delhi-110028.”
 - b) Allow petitioner to carry other activities other than industrial activity in order to earn livelihood for his family.”
3. The learned counsel appearing for the respondent submits that the premises of the petitioner were sealed pursuant to the orders passed by the Division Bench of this Court on 18.09.2017 in W.P.(C) 4349/2017.

4. Apparently, the petitioner was carrying on industrial activity from the premise bearing no.CB-217, Naraina Ring Road, New Delhi-110028 (hereafter 'the premises'). Concededly, the said activity was illegal and a non conforming activity. In the aforesaid context, the respondents have sealed the premises.

5. The petitioner now undertakes that he shall not carry on any industrial or illegal activity from the premises. He, however, prays that the premises be de-sealed for the petitioner to carry on any conforming activity in accordance with the relevant rules and byelaws.

6. At this stage, it is also relevant to refer to the order dated 18.09.2017 passed by the Division Bench of this Court in W.P.(C) 4349/2017 captioned as '*Court on its own motion v. GNCTD & Ors.*'. Paragraph 9 of the said order is relevant and is set out below:-

“9. It is further directed that all municipal corporations shall undertake a survey of all the areas under their jurisdiction and ensure that all industrial activities running illegally are forthwith stopped.”

7. It is apparent from the above that the thrust of the order was to ensure that all industrial activities running illegally from the area under the jurisdiction of various municipal corporations, are stopped.

8. In view of the undertaking that the petitioner shall not carry on any industrial or illegal activity from the premises in question, no further purpose would be served by the premises continuing to remain sealed.

9. In view of the above, the present petition is disposed of by directing the petitioner to file an undertaking by way of an affidavit unequivocally affirming that no industrial activity or illegal activity shall be carried out

from the premises. It is pointed out that the petitioner had already furnished an affidavit dated 05.03.2018 to the Delhi Cantonment Board, *inter alia*, affirming that no industrial activity shall be carried out from the premises. In addition, the petitioner would also furnish an affidavit stating that the petitioner would not carry out any illegal activity from the premises. Let the said affidavits/undertakings be filed within a period of one week from today.

10. On the aforesaid affidavits/undertakings being filed, respondent no.2 shall de-seal the premises. The petitioner would also pay the necessary cost for sealing/de-sealing of the premises which shall be informed by the respondents to the petitioner.

11. It is further clarified that this order shall not preclude the respondents from taking any other steps in accordance with law and this order shall not be construed as absolving the petitioner of any of the consequences of running an industrial unit from the premises.

12. The petition is disposed of in the above terms.

13. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

SEPTEMBER 05, 2018

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