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

+ W.P.(C) 10607/2018, C.M. No.41320/2018 (Stay)

HDFC BANK LTD.

..... Petitioner

Through Mr. Sudhir Nandrajog, Mr. Sanjay
Gupta, Mr. Ateev Mathur and Ms.
Jagriti Ahuja, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advocates for R-1
Mr. Sumit Bansal and Mr. Prateek
Kohli, Advocates for R-2 to 5

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

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04.10.2018

C.M. No.41321/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

The application also stands disposed of.

W.P.(C) 10607/2018

Issue notice.

Counsel, as above, accept notice on behalf of the respondents.

Heard.

The present petition has been instituted on behalf of the petitioner/HDFC Bank Ltd. (hereinafter referred to as the 'Bank') located at J-2/6C, Rajouri Garden, New Delhi (hereinafter referred to

as the 'subject premises') seeking a direction in the nature of a certiorari to quash the order bearing No.D/2593/EE(B)-1/WZ/2018 dated 27.09.2018 passed by respondent No.1 under Section 349 of the Delhi Municipal Corporation Act, 1957.

Mr. Sudhir Nandrajog, learned Senior Counsel appearing on behalf of the Bank states that, their branch operating from the subject premises has a customer base of approximately 11,000 account holders, as well as, are operating 1,800 lockers.

The Bank is aggrieved by an order passed by the South Delhi Municipal Corporation (for short 'SDMC') under Section 349 of the Delhi Municipal Corporation Act, 1957 dated 27.09.2018, whereby the Bank has been directed to vacate the subject premises within 24 hours of the receipt of the impugned order.

Mr. Sudhir Nandrajog, learned Senior Counsel invites the attention of this Court to ground (G) in the petition, which reads as follows:

“ G. Because the petitioner is ready and willing to give unconditional undertaking to this Hon'ble Court that the Petitioner of its own will vacate the demised premises within a period of 9-12 months, in the event the building/said property is not regularised by Respondent No.1 in accordance with law.”

In this behalf, it is stated that, even in their communication dated 31.05.2018 addressed to the Monitoring Committee appointed by the Hon'ble Supreme Court of India, they had undertaken that, in the event it is determined that, the subject premises have been constructed contrary to law, they would vacate the same, within a

reasonable period of time, to be fixed by the latter.

Having heard learned counsel appearing on behalf of the parties and in the facts and circumstances of the case, it is incumbent, in the interests of justice and in order to secure the rights of the account holders of the Bank, to permit them to approach the Monitoring Committee afresh, seeking permission to vacate the subject premises, within a reasonable period of time, to be determined by the latter, after affording the Bank an opportunity of making a representation in that regard.

The SDMC, who has issued the impugned vacation notice dated 27.09.2018, is directed to hold their hands *qua* the subject premises till such time as the Monitoring Committee decides the Bank's representation, which the latter shall file before the former, within five working days from today.

With the above direction, the writ petition is disposed of accordingly. Pending application also stands disposed of.

A copy of this order be given *dasti* to the learned counsel appearing on behalf of the parties under signature of the Court Master.

SIDDHARTH MRIDUL, J

OCTOBER 04, 2018

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