

\$~126

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

+ W.P.(C) 11446/2018 & CMs 44314-15/2018

M/S HARSH PAINTS CORPORATION Petitioner
Through: Mr. K.K. Jha, Advocate

versus

STATE OF NCT OF DELHI & ORS Respondents

Through: Ms. Shobhana Takiar, Advocate
for respondent No.1
Mr. Ajay Arorra and Mr. Kapil
Dutta, Advocates for respondent-
SDMC

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
23.10.2018

%

Quashing of impugned Notice of 17th October, 2018 is sought in this petition.

A perusal of impugned Notice of 17th October, 2018 reveals that sealing action is being taken against misusers in view of Supreme Court's directions.

Learned counsel for respondents submits that the impugned Notice is an outcome of the instructions issued by the Monitoring Committee constituted by Supreme Court and in case of *M.C. Mehta*, as referred to in the impugned Notice, clear cut directions have been issued that any challenge to decision of Monitoring Committee will lie before the Supreme Court.

Learned counsel for petitioner submits that the subject premises is

covered by Notification of 12th April, 2007 of Govt. of NCT of Delhi and so, the mixed-use of the subject premises is permitted and thus, the impugned Notice deserves to be quashed. Reliance is placed upon a decision of a Co-ordinate Bench of this Court in *Rajinder Rai v. MCD and Ors.* 2011 IX AD (Delhi) 369, to submit that petitioner ought to be given an opportunity to respond to impugned show-cause notice before any action is taken.

In view of Supreme Court's order of 15th December, 2017 and 7th September, 2018 in W.P. (C) 4677/1985, this petition is not entertained with liberty to petitioner to approach Supreme Court in the pending petition of *M.C. Mehta (supra)*.

With aforesaid observations, this petition and the applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

OCTOBER 23, 2018

S