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

Date of decision: 16th November, 2018

+ W.P.(C) 12247/2018 & CM APPL. 47470/2018

MANOHAR MANI

..... Petitioner

Through: Mr. Sagar Saxena and
Mr. Abhishek Singh, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Mr. Tushar Sannu, ASC with
Mr. Mayank Garg, ASC for NDMC

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

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16.11.2018

CM APPL. 47471/2018 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12247/2018 & CM APPL. 47470/2018 (for direction)

3. The main grievance of the petitioner was that, despite the fact that it had filed an appeal under Section 254 of the New Delhi Municipal Council Act, 1994, against the show cause notice dated 5th October, 2018, passed by the Executive Engineer (EDR) of the NDMC, the appeal could not be taken up for hearing, as no notification, under Section 253 (1)(2) of the NDMC Act, 1994, in favour of the Presiding Officer of the Appellate Tribunal, had been received from the Ministry of Home Affairs.

4. This is also reflected in the order dated 26th October, 2018, annexed as Annexure-P(10) to the writ petition.

5. It appears that now, vide notification No. GSR 1098(C) dated 12th November, 2018, issued under Section 247 of the aforementioned Act, the Appellate Tribunal stands constituted by the Central Government, with Mr. Raj Kumar Chauhan notified as Presiding Officer thereof.

6. Accordingly, let the petitioner appear before the Appellate Tribunal on 23rd November, 2018.

7. Till then the respondents are restrained from taking any coercive action on the basis of the show cause notice which is subject matter of challenge before the Appellate Tribunal.

8. The writ petition is disposed of in the above terms.

C. HARI SHANKAR, J

NOVEMBER 16, 2018

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