

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on: May 02, 2018

Judgment delivered on: July 02, 2018

+ W.P.(C) 8254/2017, CM No. 47129/2017

SH. SARDAR AHMAD Petitioner
Through: Mr. Sanobar. Ali, Adv.

versus

THE COMMISSIONER, EDMC AND ORS. Respondents
Through: Mr. Amrit Pal Singh, Standing
Counsel for EDMC

CORAM:
HON'BLE MR JUSTICE V. KAMESWAR RAO

J U D G M E N T

V. KAMESWAR RAO, J

1. The present petition has been filed by the petitioner with
the following prayers:-

“In the premises aforesaid, it is humbly and respectfully prayed that this Hon’ble Court may be pleased to:

A pass an order thereby directing the respondents to de-seal the shop on the ground floor of the property No. D-51, Gali No.17, Rishi Kardam Marg, Chauhan Banger, Delhi-110053.

B any other or further order(s) which this Hon’ble Court may deems fit and proper in the facts and circumstances of the case in the interest of justice.”

2. The facts as noted from the writ petition are; the petitioner was the holder of a Meat Trade License from the Veterinary Department of the EDMC, granted in the year 2000. The said license expired on March 31, 2003. It is his case that the petitioner applied for renewal of the said license on May 16, 2014. The said application was rejected by the respondents on July 12, 2014 on the ground that the petitioner has failed to submit the required documents. It is his case that on August 14, 2017, the Veterinary Officer of the respondents sealed the shop of the petitioner without giving any prior information or notice to the petitioner.

3. On August 16, 2017, the petitioner filed another application before the Deputy Director of Veterinary Services Department of the respondents wherein he undertook that he will not carry or run the trade of meat without the renewal of a valid license from the respondents. It is his grievance, despite that, the seal of the shop has not been removed.

4. The respondents have filed a status report wherein they have stated that the petitioner had submitted an application for renewal of the Veterinary Trade License in respect of the meat shop for running a Halal Meat Shop. The petitioner fulfills the

terms and conditions of the Meat Trade License policy but had not deposited the requisite fee/payments with the EDMC for renewal of the said license. Therefore, the renewal of the license was not effected. They referred to a letter dated November 10, 2017 sent to the petitioner for depositing the requisite fee/payment for renewal of Meat Trade License. It is stated that after getting the renewal fee deposited by the petitioner, they shall renew the license of the petitioner and the shop shall be de-sealed.

5. In an additional affidavit filed by them, it is their case that the license was initially sanctioned on June 16, 2001. The license was valid till March 31, 2006. The petitioner did not apply for renewal with effect from 2006. It is their case that a demand notice dated November 10, 2017 was issued to the petitioner for ₹3,67,000/-. In other words, it is their case that for last twelve years, the petitioner has not applied for renewal of license. He has also not paid renewal fee to the EDMC and was running the meat shop without any license. The respondents have also stated that No Objection Certificate / consent from the area municipal councilor was required as per the new Meat Trade Licensing

Policy with effect from April 01, 2016 to March 06, 2017. The requirement of No Objection Certificate from the councilor was set aside by this Court in ***W.P.(C) No. 7621/2017 dated August 30, 2017 Nazim Hussain & Ors. V. EDMC***. According to them, as the petitioner had not applied for renewal of his license within the above period, he is not entitled to claim the benefit of waiver of late fee due to conditions of NOC. He was served the demand notice on November 10, 2017. However, no response has been received till date.

6. No rejoinder to the counter affidavit has been filed.

7. Learned counsel for the petitioner reiterates the case of the petitioner as averred in the writ petition. It is his submission that when an undertaking has been given by the petitioner, the respondents are required to de-seal the property.

8. Having heard the learned counsel for the parties, there is no dispute that the original license of the petitioner expired on March 31, 2006. There is nothing on record to suggest that immediately after the expiry of license in the year 2006, the petitioner had sought the renewal of the license. It appears, the petitioner was running the trade of meat without a license, at least till May 16, 2014, when he applied for the renewal of the license.

The said application was rejected on July 12, 2014 on the ground that he did not submit valid documents. The necessary consequence of the same is that the shop of the petitioner was sealed on August 14, 2017. No doubt, the petitioner has given an undertaking that he shall not carry out the trade of meat without any valid license but that does not mean that merely on an undertaking the shop is required to be de-sealed as there are charges, which are due and payable to the respondents for the period when the petitioner had carried out the trade of meat without any valid license. The petitioner has not challenged the claim for ₹3,67,000/- by the respondents. In the absence of any challenge, on any ground, the same cannot be set aside. In the absence of deposit or in the absence of any challenge to the amount claimed, the petitioner cannot seek the relief of de-sealing of the shop. I am afraid in the given facts, the petitioner shall not be entitled to the relief as prayed for. The petition is without any merit. The same is dismissed. No costs.

CM No. 47129/2017 (for early hearing)

In view of the order passed in the writ petition, the application has become infructuous.

V. KAMESWAR RAO, J

JULY 02, 2018/ak