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

+ W.P.(C) 13965/2018

SUGANDH VYAPARSANGH

..... Petitioner

Through Mr.Ravi Gupta, Sr.Adv with
Mr.Paritash Budhiraja, Ms.Surabhi, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through Mr.Mukesh Gupta, S.C with
Mr.Sanjay Banimal, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **21.12.2018**

C.M.No.54681/2018

Allowed, subject to all just exceptions.

W.P.(C) 13965/2018 & C.M.No.54680/2018

1. Mr.Ravi Gupta, learned Senior Counsel for the petitioner submits that the members of the petitioner Association are not carrying out any chemical trade and are, therefore, not covered within the ambit of directions given by the Division Bench in W.P.(C)No.5376/2016, but the respondent is still threatening to seal their premises, without considering the nature of business being carried out by them.

2. On the other hand Mr.Mukesh Gupta, learned counsel for the respondent, while drawing my attention to the various orders passed

by the Division Bench states that the respondent is duty bound to forthwith seal all those premises where persons are carrying out chemical trade in the walled city.

3. Mr.Mukesh Gupta further submits that even otherwise the grievance as articulated by the learned Senior Counsel for the petitioner can be appropriately examined only by the Committee constituted pursuant to the order dated 20.08.2018 passed by this Court in W.P.(C)No.5378/2016. He further states that a Division Bench of this Court has in similar circumstances, passed an order in W.P.(C)No.13856/2018 directing the petitioner therein to approach the Committee for verification of the nature of trade being carried out by him.

4. Mr.Mukesh Gupta further submits that in case this Court is inclined to pass similar directions and grant liberty to the members of the petitioner to approach the Committee, those members of the petitioner who have already been allotted alternative plot on the ground that they are running chemical trade in the premises, should undertake that, in case, they are found not to be engaged in chemical trade, the plots already allotted to them would be surrendered.

5. Learned Senior Counsel does not oppose the aforesaid course of action and prays that till the matter is decided by the Committee, no coercive action should be taken against the members of the petitioner/association.

6. The writ petition is accordingly, disposed of with liberty to the members of the petitioner to approach the aforesaid Committee within a period of one week, pointing out the nature of trade being carried by

them. The Committee will consider the representations of the members of the petitioner and after giving them an opportunity of hearing, determine as to whether they are carrying out the business of chemical trade or not. Till the decision of the Committee is communicated to them, no coercive action will be taken qua their premises.

7. Needless to state that those of the members of the petitioner who are held by the Committee to be not engaged in chemical trade, will forthwith surrender the alternate plots, if any, allotted to them. In case, any member of the petitioner is aggrieved by the order/orders passed by the Committee, it will be open for them to take legal recourse, as permissible under law.

Dasti under the signature of the Court Master.

REKHA PALLI, J

DECEMBER 21, 2018

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