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

+ **W.P.(C) 12025/2019**

HOTEL QUEEN ROAD PVT. LTD.

..... Petitioner

Through: Mr. Jayant Mehta, Mr. Sandeep Mittal,
Mr. Saurabh Kalia, Mr. Harshit Aggarwal &
Mr. Rahul Ahuja, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Ms. Malvika Trivedi, ASC, Mr. Tushar
Sannu, ASC with Ms. Shivani Garg,
Advocate & Mr. M.S. Negi, JE, NDMC &
Mr. Praveen Shuka, JE, NDMC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **15.11.2019**

CM APPL.49225/2019 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 12025/2019 & CM APPL.49224/2019 (stay)

1. By this application, petitioner seeks quashing of letter of NDMC dated 14.10.2019 whereby the application of the petitioner seeking regularization of addition and alteration has been rejected. Further, the petitioner impugns order dated 01.11.2019 whereby a part of the petitioner's hotel has been sealed.

2. Learned counsel appearing for NDMC on advance notice submits that subject property is a property being monitored by the

Monitoring Committee of the Supreme Court from time to time and intimation as well as action taken reports are being submitted to the Monitoring Committee. She submits that in view of the directions of the Supreme Court in W.P. (C) No.4677/1985 titled *M.C. Mehta vs. Union of India* decided on 28.01.2019, since the Monitoring Committee is seized of the matter, no petition challenging any proceedings which are pending before the Monitoring Committee should be entertained. Learned counsel for the respondent has produced the record of the NDMC to show that action taken report as well as status reports are being submitted to the Monitoring Committee from time to time.

3. Learned counsel for the petitioner submits that it is not a case where the Monitoring Committee has passed any order or any action has been initiated on the directions of the Monitoring Committee and none of the notices received by the petitioner till date refer to any direction being issued by the Monitoring Committee. He submits that even till date no order of the Monitoring Committee has been produced.

4. Learned counsel for the petitioner further submits that even in the proceedings pending before the Appellate Tribunal there has been no submission that the action has been taken on the directions of the Monitoring Committee.

5. Learned counsel for the petitioner further submits that regularisation application was filed by the petitioner at the directions

of the respondent and despite that it has been rejected. He, however, without prejudice, submits that since an objection has been raised that an action has been taken on directions of the Monitoring Committee, he shall be approaching the Supreme Court of India or the Monitoring Committee for clarification. He, accordingly, seeks leave to withdraw the petition with liberty to approach afresh in case such clarification is issued by the Supreme Court/Monitoring Committee.

6. Petition is, accordingly, dismissed as withdrawn with liberty to the petitioner as prayed for.
7. All rights and contentions of the parties are reserved.
8. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J.

NOVEMBER 15, 2019
‘AA’/st