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

+ W.P.(C) 1368/2019

SH. AMIR CHAND DHAWAN

..... Petitioner

Through: Mr Raghav Awasthi, Advocate.

versus

ADDITIONAL CP (LICENSING) AND ANR. Respondents

Through: Mr Sanjoy Ghose, Advocate for
R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.02.2019

CM No.6246/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1368/2019

2. The petitioner has filed the present petition impugning an order dated 04.10.2018 passed by the Licensing Authority, rejecting the petitioner's complaint for cancellation of the license to deal in arms, issued in the name of M/s Sharda Gun House, Arms & Ammunition Dealer, A-99, Shardapuri, Ramesh Nagar, New Delhi-110015 (hereafter 'the Premises').

3. The petitioner claims to be the landlord of the Premises in which the said dealership is located. He also claims that there are certain disputes with regard to usage of the Premises. It is the petitioner's case that he had given a No Objection Certification (NOC) for issuance of a

dealer license at the said Premises, which was subsequently withdrawn. He claims that since the NOC was withdrawn, the respondents are compelled to cancel the license issued in favour of the said dealership. The aforesaid complaint was rejected and the Licensing Authority has relegated the petitioner to avail his remedies in a court of law.

4. It is not disputed that the No Objection Certificate (NOC) was given several decades ago. The dealership in whose name the NOC was given has since transferred hands. It is respondent no.3's (Ms Sharda Gun House) case that assuming that the petitioner had given an NOC, the same had perished with the transfer of the dealership. He has also submitted that the license has been issued/renewed thereafter, without issuance of an NOC.

5. There is no material on record which indicates otherwise. Even if it is accepted that the petitioner had given an NOC, it is doubtful that the petitioner can withdraw the NOC at will and compel the Licensing Authority to withdraw the same. Clearly, there are disputes between the petitioner and respondent no.3 and the same are required to be resolved without dragging the Licensing Authority into such disputes.

6. This Court finds no infirmity with the impugned order. The petition is, accordingly, dismissed leaving it open for the petitioner to avail of his remedies in respect of disputes with respondent no.3.

VIBHU BAKHRU,J

FEBRUARY 11, 2019
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