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

+ W.P.(C) 1592/2019

NISHANT MITTAL

..... Petitioner

Through: Mr Vivek Sood, Sr. Advocate with
Ms D. K. Yati, Advocate.

versus

COMMISSIONER OF POLICE, DELHI AND
ANR.

..... Respondents

Through: Mr Sanjoy Ghose, ASC, GNCTD
with Mr Rhishabh Jetley, Advocate
for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.02.2019**

CM No.7330/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1592/2019 & CM No.7329/2019

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 04.02.2019 passed by respondent no.1, whereby the petitioner's appeal against the order dated 20.12.2018 passed by respondent no. 2, was rejected.

3. Respondent no.2 (Licensing Authority) had passed the impugned order dated 20.12.2018, cancelling the petitioner's licence to run an eating house/restaurant on the ground that the petitioner had violated the Regulations For Licensing and Controlling Places of Public Amusement (Other Than Cinemas) and Performance for Public Amusement, 1980 as well as the Delhi Eating Houses Registration Regulations, 1980. The allegation against the petitioner is that there was live singing and music being played at the petitioner's eating house/restaurant being run in the

name and style of My Love Restaurant & Bar, situated at 23-B, Ground Floor and Mezzanine floor, Panchkuian Road, New Delhi, without obtaining a performance licence.

4. It is apparent from the averments made in the petition as well as the orders passed by respondent nos.1 and 2 that there was material such as video clippings of the live performance, which was relied upon to substantiate the allegations made against the petitioner. However, the said material was not made available to the petitioner. It is the petitioner's case that he did not have a fair opportunity to meet the allegations made against him.

5. Mr Ghose, learned counsel appearing for the respondents fairly states that in view of the grievance articulated by the petitioner, the impugned orders may be set aside and the matter be remanded to the Licensing Authority to consider afresh.

6. In view of the above, the impugned orders are set aside. The matter is remanded to the Licensing Authority (respondent no.2.) to consider afresh. The Licensing Authority shall also ensure that all material relied upon by him for taking any proposed action, would also be made available to the petitioner.

7. It is clarified that this Court has not expressed any opinion on the merits of the allegations made against the petitioner and nothing stated therein should be construed as such.

VIBHU BAKHRU, J

FEBRUARY 18, 2019/MK