

\$~29

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

+ W.P.(C) 1896/2019

SDM TEXTILES

..... Petitioner

Through: Mr. Mohit Chadha, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION

AND ANR.

..... Respondents

Through: Ms. Mini Pushkarna, Standing
Counsel / North DMC /R-1 with Ms.
Swagata Bhuyan and Ms. Shiva
Pandey, Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

25.02.2019

CM APPL. No. 8843/2019 (for exemption)

Allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) 1896/2019 & CM APPL. No. 8842/2019 (for interim relief)

The petitioner (sole proprietorship concern of Ms. Shallu Modi) seeks a direction to respondent No.1 / North DMC for temporary de-sealing of a warehouse belonging to respondent No.2 situate at GX-11, near Bhargava Lane, Bhairon Mandir, Boulevard Road, New Delhi to enable the petitioner to remove the petitioner's goods lying in the said warehouse.

2. Learned counsel for the petitioner points-out that orders for temporary de-sealing of the same warehouse have been granted earlier by a Coordinate

Bench of this court to other entities / persons who were similarly situate, in that they were also entities / persons whose goods got locked-in at the warehouse upon sealing thereof by respondent No.1 / North DMC. Copies of such orders have been annexed to the petition.

3. Issue notice.

4. Ms. Mini Pushkarna, learned Standing Counsel for respondent No.1 / North DMC appears on advance copy and accepts notice.

5. She states that she has instructions that respondent No.1 / North DMC has no objection to the ware house being temporarily de-sealed to enable the petitioner to remove the petitioner's goods. She also confirms that similar orders have been made earlier in respect of the same premises.

6. In these circumstances, the present petition is disposed of with the following directions:

(a) Respondent No.1 / North DMC shall temporarily de-seal the subject premises on 28.02.2019 from 10:00 am to 05:00 pm; and again on 01.03.2019 from 10:00 am to 05:00 pm to enable the petitioner to remove its goods from the subject property;

(b) At 05:00 pm on 28.02.2019, the subject premises will be re-sealed, to be opened on 01.03.2019 at 10:00 am as directed above;

(c) The petitioner shall remove its goods from the subject premises in the presence of officers of respondent No.1 as well as respondent No.2 to ensure that only goods belonging to the petitioner are removed;

(d) De-sealing of the subject premises shall be only for the limited purpose of enabling the petitioner to remove its goods therefrom; and no person / party whether respondent no.2 or any other person, shall

be entitled to otherwise use or occupy the subject premises during the period of de-sealing.

(e) Upon goods being removed by 05:00 pm on 01.03.2019, the subject premises shall be re-sealed by respondent No.1.

7. This petition is disposed of in above terms.

8. *Dasti.*

FEBRUARY 25, 2019/ms

ANUP JAIRAM BHAMBHANI, J.