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

+ LPA 192/2019 & CM APPLs. 12607/2019, 12608/2019, 12609/2019
& 12610/2019

NDMC

..... Appellant

Through: Mr. Anil Grover, Standing Counsel
with Mr. Yoginder Handoo, ASC,
Mr. Aniruddh Sharma & Ms. Noopur
Singhal, Advs. for NDMC.

versus

ANIL GUPTA & ORS

..... Respondents

Through: Mr. Rajat Wadhwa with Mr. Nikhil
Mehta, Mr. Jaspreet Kaur &
Ms. Urvashi Barman, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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18.03.2019

CM APPL. 12610/2019 (*exemption*)

Allowed, subject to just exceptions.

CM APPL. 12608/2019 (*delay in filing*)

In view of the reasons stated in the application, delay in filing the
appeal is condoned.

The application stands disposed of.

CM APPL. 12609/2019 (*delay in re-filing*)

In view of the reasons stated in the application, delay in re-filing the
appeal is condoned.

The application stands disposed of.

LPA 192/2019 & CM APPL. 12607/2019 (*stay*)

1. Challenging an interlocutory order passed by the learned writ court on 14.11.2018 permitting removal of goods from the shop of the petitioner within a period of 48 hours, this appeal has been filed under Clause 10 of the Letters Patent by the New Delhi Municipal Council.
2. It is a case of the Municipal Council that certain arrears of licence fee are due and if the goods are permitted to be removed without recovery of licence fee the right of the Municipal Council to recover licence fee would be frustrated.
3. Nothing is brought to our notice under the statute or the Rules or regulations which permit withholding of the goods for non-payment of licence fee. What has been stated before us was that if the licence fee is not given, the Municipal authorities have right to re-enter the premises. In the absence of there being any statutory provision permitting seizure or withholding of the goods contained in the licensed premises, in our considered view, the learned writ court has not committed any error in passing the impugned interim order.
4. Accordingly, finding no ground, the appeal is dismissed. The goods be now permitted to be removed within three days from today. The pending application stands disposed of accordingly.

CHIEF JUSTICE

ANUP JAIRAM BHAMBHANI, J

MARCH 18, 2019

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