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

+ W.P.(C) 2900/2019, CM No. 13467/2019

PRADEEP BEHL

..... Petitioner

Through: Mr. Shekhar Nanavaty, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Amit Singh Chauhan, ASC for
SDMC with Mr. Hemant Chauhan,
Adv. along with
Mr. Kuldeep Rana, PHI, SDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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27.03.2019

On the last date of hearing this Court had adjourned the matter directing the respondent to submit the report of the Officers, who visited the shop in question. Today, learned counsel for the respondent has produced a file, without number, containing 15 pages which includes a status report with respect to the shop in question at TDI Mall Rajouri Garden, New Delhi dated March 26, 2019. It is stated that pursuant to inspections on February 28, 2019 and March 25, 2019 certain violations have been found in the subject shop.

It is a conceded position that a closure notice had been issued to the petitioner on March 11, 2019 which was received by the petitioner on March

16, 2019 and the same is subject matter of the present writ petition.

It is the case of the petitioner that no notice was issued to the petitioner prior to issuance of the said closure notice. That apart, it is contended by the learned counsel for the petitioner that even the inspection was carried out on March 25, 2019 i.e. on the same date when this writ petition was listed before this Court. In other words, it is his submission that the status report dated March 26, 2019 which has been produced before this Court alleging certain violations, is a report prepared after the last date of hearing.

The learned counsel for the respondent conceded that specific violations of the license have not been communicated to the petitioner. If that be so, this Court is of the view that the respondent must notify the specific violations to the petitioner to enable the petitioner to effectively reply to the same. Once such a reply is given, the respondent would be within its right to pass an order in accordance with law.

I have been informed that the subject license of the petitioner is expiring on March 31, 2019. If that be so, let a copy of the status report dated March 26, 2019 be given to the learned counsel for the petitioner to enable the petitioner reply to the same. The reply shall be submitted within

two days, and a speaking order shall be passed on or before March 31, 2019. It is made clear that before passing an order, the respondent's Officer, Mr. Kuldeep Rana, PHI, SDMC, shall give a hearing to the petitioner on March 29, 2019 at 03:00 P.M.

If the petitioner is still aggrieved by any order so passed by the respondent, liberty is with the petitioner to challenge the same in accordance with law.

The writ petition is disposed of.

CM No. 13467/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

MARCH 27, 2019/aky