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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3983/2019, CM No. 18037/2019**
B. K SINGH

..... Petitioner

Through: Mr. Himanshu and Mr. Mahesh Dutt
Tripathi, Advs.

versus

DELHI CANTONMENT BOARD

..... Respondent

Through: Mr. Tarveen Singh Nanda, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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29.05.2019

CM No. 18037/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 3983/2019

1. The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to: -

- a) Allow the present application and direct the respondent i.e., Delhi Cantonment Board to de-seal the property bearing No. “CB-263, Basement, 1st Floor, Naraina, Ring Road, New Delhi – 110028”*
- b) Allow petitioner to carry other activities other than polluting industrial activity in order to earn livelihood for his family;*

and

c) grant any other relief or reliefs as may be deemed fit and proper under the circumstances of the case in the interest of justice.”

2. It is the submission of the learned counsel for the petitioner that the petitioner shall not carry any industrial activity or illegal activity from the premise. His prayer is that the premises be de-sealed to enable the petitioner carry out conforming activity in accordance with the relevant rules and bylaws.

3. Learned counsel for the petitioner has relied upon the order passed by a Coordinate Bench of this Court in ***Vivek Kumar Gupta vs. Delhi Cantonment Board, W.P. (C) 9305/2018***, decided on September 05, 2018 and states that similar order shall be passed in this writ petition. Learned counsel for the respondent has no objection in that regard.

4. In view of the submissions made by the learned counsel for the parties, it is directed that the petitioner shall file an undertaking with the Cantonment Board that he shall not carry out any illegal or industrial activity from the premises in question and shall only carry out conforming activity in accordance with the relevant rules and bylaws. The undertaking shall be filed with the Board supported by an affidavit within a period of one

week from today.

5. On the undertaking supported by an affidavit being filed by the petitioner, the respondent shall de-seal the premises in question. The petitioner would also pay the necessary cost for sealing / de-sealing of the premises which shall be informed by the respondent to the petitioner.

6. It is further clarified that this order shall not preclude the respondent from taking any other steps in accordance with law and this order shall not be construed as absolving the petitioner of any of the consequences of running an industrial unit from the premises.

7. The petitioner shall give an indemnity bond to the respondent Board indemnifying the Board of a claim (if any) to be made by the tenant in future.

8. The writ petition is disposed of.

Dasti.

V. KAMESWAR RAO, J

MAY 29, 2019/aky