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

+ LPA 478/2019 & CM APPLs. 32804-805/2019

SATWANT KAUR

..... Appellant

Through: Mr. Himanshu Kaushik, Adv.
with Mr. Mahesh Dutt Tripathi,
Adv.

versus

DELHI CANTONMENT BOARD

..... Respondent

Through: Mr. Tarveen Singh Nanda, SC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

01.08.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 32804/2019 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 32805/2019 (for condonation of delay)

3. This application has been preferred under Section 5 of Limitation Act for condonation of delay of 121 days in preferring the appeal.

4. Having heard learned counsel for both side and looking to the reasons stated in the application, there are reasonable reasons for

condonation of delay in preferring the appeal.

5. We, therefore, condone the delay of 121 days in preferring the appeal.

6. The application stands allowed and disposed of.

LPA 478/2019

7. This appeal has been preferred by the original petitioner. The writ petition preferred by this petitioner being W.P. (C) 13457/2018 was disposed of by the learned Single Judge *vide* judgment and order dated 15th February, 2019, whereby the dispute about the de-sealing of the petitioner's property has been referred to the Special Task Force (STF) following the decision rendered by the Hon'ble Supreme Court in W.P.(C) 4677/1985 in *M.C. Mehta v. Union of India & Ors.*

8. Before the learned counsel appearing for the appellant (original petitioner) argues in detail, it is fairly submitted by learned counsel for the respondent that in several writ petitions, the issue of de-sealing has been considered by this Court. He submits that subject to the appellant (original petitioner) filing an undertaking that no industrial activities shall be carried out, henceforth, in the premises which is referred to in the memo of this appeal and the appellant makes the payment of de-sealing cost, which is ₹5,000/-, as well as environmental compensation costs of ₹ 5,000/- to the respondent, they shall have no objection in de-sealing the premises in question.

9. In view of this limited submission and looking to the readiness of the counsel for the appellant to follow the aforesaid conditions for de-sealing, we hereby dispose of this appeal in the following terms:

(i) The appellant (original petitioner) shall give an undertaking to the respondent to the effect that neither he nor his servants, assignees, representative, agents or legal heirs shall carry out any industrial activities in the premises in question henceforth.

(ii) The appellant shall make the payments of ₹ 5,000/- towards the costs of de-sealing of the premises in question as well as ₹ 5,000/-towards costs of environmental compensation to the respondent within a period of one week from today.

(iii) Thereafter, the property in question shall be de-sealed by the respondent herein.

10. In view of the above, the judgment and order dated 15th February, 2019 passed by the learned Single Judge in W.P.(C) 13457/2018 is hereby modified to the above extent.

11. The appeal is accordingly disposed of

CHIEF JUSTICE

C. HARI SHANKAR, J.

AUGUST 01, 2019/dsn