

\$~7

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

+ W.P.(C) 1509/2017 & CM Appln. No.6873/2017

OSWAL SAMAJ (REGD) REPRESENTED BY ITS

SECRETARY & ANR

..... Petitioners

Through Mr. Navneet Dugar, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through Mr. Devesh Singh, ASC (Civil),
GNCTD with Ms. Sukriti Ghai, Adv.
for R1.

Mr. Amit Jagga, Adv. for R 2 & 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

19.02.2019

1. The petitioners has filed the preset petition, *inter alia*, praying that direction be given to respondent nos.2 and 3 (Delhi State Civil Supplies Corporation Limited – DSCSCL) to cancel the liquor vend located at shop Nos.13-14, CSC Market, Phase-II, Jhilmil Colony, Vivek Vihar, Delhi – 110095. The petitioners are, essentially, aggrieved by the location of the said vend, as it is asserted that the same is at a distance of 92 meters from a place of worship, that is, a Jain Temple. It is also claimed that there are educational institutions in the vicinity of the said liquor vend. In view of the above, it is contended on behalf of the petitioners that the issuance of a license is in violation of the Delhi Excise Rules, 2010.

2. It is pointed out that the license in question was issued prior to the Delhi Excise Rules, 2010 coming into force. According to DSCSCL, the said Rules would be inapplicable to an existing licensee. However, notwithstanding the same, the respondents have resolved the issue by agreeing to shift the liquor vend to a shop located at Sanjay Gandhi Transport Nagar, Delhi 110042. A letter dated 15.02.2019 to this effect has been sent by respondent no.1 to DSCSCL. DSCSCL has no objection to the same. However, it is stated that shifting of the said vend may take a few months.

3. In view of the above, the petitioners' grievance stands redressed. The petition is, accordingly, disposed of. It is clarified that DSCSL would be given sufficient time to shift the said vend and the license shall not be suspended/cancelled for a period of three months. The pending application is also disposed of.

VIBHU BAKHRU, J

FEBRUARY 19, 2019
DR