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

+ W.P.(C) 7976/2017 & CM Nos. 32880/2017 & 36917/2017

MOHAN KUKREJA (LICENSEE)

..... Petitioner

Through: Ms Nina R. Nariman and Ms Geetika
Kapur, Advocates.

versus

STATE OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Amit Mahajan, CGSC for
respondents.
Mr Ramesh Singh, Standing Counsel,
GNCTD with Ms Nikita Goyal,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **28.02.2019**

1. The petitioner has filed the present petition impugning a corrigendum dated 12.05.2017 issued by respondent no.2 (the Additional Commissioner of Police (Licensing)), whereby the said Licensing Authority has modified the order dated 23.02.2017.
2. The petitioner is, essentially, aggrieved by the decision of modifying the said license to be in the name of Sapna Cinema instead of M Cinemas. The petitioner also objects to the partners being referred to as licensees, as the petitioner states that the Cinema is run by a partnership firm but the licence is in the name of an individual (the petitioner). According to the petitioner, the decisions regarding the business of the said firm can be made

by majority of partners who have since accepted the decision to change the name of the Cinema from Sapna Cinema to M Cinemas. And, therefore, the decision of the Licensing Authority to now insist that the change of name may be permitted only if the same is accepted by all partners, is not sustainable. More importantly, the petitioner also claims that the impugned corrigendum is not in the nature of corrigendum but in the nature of modification, which is not permissible as there was no errors in the initial order.

3. It is apparent from the above that there are several contentious issues which have not been considered by the Licensing Authority. In this view, the impugned corrigendum is set aside and it is directed that the same be treated as a notice. The petitioner is at liberty to respond to the notice within a period of four weeks from today. The Licensing Authority shall consider the response, if any, and pass an appropriate order after affording the petitioner an opportunity to be heard.

4. The petition is disposed of in the aforesaid terms. All pending applications are disposed of.

VIBHU BAKHRU, J

FEBRUARY 28, 2019
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