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

+ W.P.(C) 10890/2017 and CM No. 44598/2017

MEGAMIND CONSULTANTS PVT. LTD. Petitioner

Through: Mr Pushkar Sood and Ms Sohini
Mukerjee, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **28.02.2019**

1. The petitioner has filed the present petition impugning a notice dated 30.11.2017 issued by the South Delhi Municipal Corporation, under Section 345-A of the Delhi Municipal Corporation Act, 1957. The impugned notice indicates that the same has been issued on the allegation that the first floor of the premises, bearing E-14 situated at South Extension – I, New Delhi, is being used as a paying guest, under the name and style of ‘M/s Megamind Your Guide to Overseas Education’. It is now conceded that the petitioner is not running the said premises as an accommodation for paying guests but the same is being used for running a coaching centre. Nonetheless, the respondent states that the same is not permissible. This is disputed by the petitioner.

2. This Court is of the view that it would not be apposite to entertain this controversy in this petition, since the petitioner has an equally efficacious remedy by way of an appeal to the Appellate Tribunal, MCD, under Section 347-B of the Delhi Municipal Corporation Act, 1957.

3. In this view, the present petition is disposed of, leaving it open for the petitioner to avail of the said remedies. The pending application also stands disposed of.
4. It is clarified that if such an appeal is preferred within a period of three weeks from today, the same would be considered by the Appellate Tribunal, uninfluenced by the question of delay.
5. The interim order passed on 07.12.2017 shall continue for a further period of three weeks, from today. It is clarified that this is subject to further orders that may be passed by the Appellate Tribunal.
6. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

FEBRUARY 28, 2019
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