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

% *Date of Decision: 24th September, 2020*

+ LPA 99/2020

NEW DELHI MUNICIPAL COUNCIL Appellant

Through: Mr. Harsha Peechara, Advocate.

versus

ARVINDER KAUR BEDI & ANR Respondents

Through: Ms. Shobhna Takiar, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

1. This Letters Patent Appeal has been preferred by the original respondent in CONT.CAS(C) 25/2019 against the interim order dated 14th January, 2020 passed by learned Single Judge in the contempt proceedings (Annexure A-1 to the memo of this LPA).

2. Having heard learned counsel for both sides and looking to the facts and circumstances of the case, it appears that the dispute between the parties is regarding applications made by the respondent herein (original petitioner) *inter alia* for renewal of licenses of two shops, and for amalgamation and change of use as per policy of the appellant.

3. In earlier rounds of litigation, certain directions were given by this

Court. One such set of directions was given in W.P.(C) 1010/2018, vide judgment and order dated 24th April, 2018 (Annexure A-11). Paragraphs 9 and 10 of the said order read as under:-

“9. The Respondents are now directed to immediately de-seal the shops No.36 and 37, Gole Market, New Delhi and hand over the possession thereof to the Petitioners within a period of one week from today. The Respondents are also directed to process the Petitioners’ application for renewal of the licenses and other ancillary prayers, including amalgamation and change of use as per their policy, within 8 weeks.

10. It is made clear that the ground, that the height of the shop is less than 9 ft. at some places, shall not be treated as a bar or deficiency for considering the Petitioners’ case for renewal of their licenses positively.”

4. As per the respondent (original writ petitioner), these directions were not complied with, and hence the contempt petition i.e. CONT.CAS(C) 25/2019 was preferred. The learned Single Judge in the contempt proceedings vide order dated 14th January, 2020 (Annexure A-1) directed the present appellant to file compliance affidavit within four weeks.

5. However, learned counsel for the appellant (original respondent in the contempt case) submitted that so far as the first direction given in the aforesaid paragraph 9 in the order dated 24th April, 2018 in W.P.(C) 1010/2018 is concerned, the desealing of the property and handing over the possession of the shops in question was already done on 29th May, 2018. So far as the second direction is concerned, with regard to taking a decision upon the application of the petitioner for renewal of licenses, keeping in mind paragraphs 9 and 10 of the aforesaid order in W.P.(C) 1010/2018, a

fresh decision has been taken by this appellant on 28th July, 2020, and the application for renewal of licenses and the other ancillary prayers for amalgamation, change of use, etc. were not accepted by the present appellant. According to the appellant, this complies with the order dated 24th April, 2018 in W.P.(C) 1010/2018. This order of the appellant dated 28th July, 2020 is yet to be challenged by the original petitioner.

6. Thus, in the light of the aforesaid order dated 28th July, 2020, these facts are to be brought to the notice of the learned Single Judge in CONT.CAS(C) 25/2019 by way of an affidavit to be filed by the present appellant.

7. As CONT.CAS(C) 25/2019 is already pending and as the order dated 28th July, 2020 passed by the present appellant is a new development, the same will be brought to the notice of the learned Single Judge and the contempt case would be decided independently on its own merits without being influenced by the observations made in the order dated 14th January, 2020 in CONT.CAS(C) 25/2019.

8. Liberty is also reserved with the respondent herein (original petitioner) to challenge the order dated 28th July, 2020 (Annexure VII of CM APPL. 22972/2020 in this LPA) passed by this appellant in accordance with law.

9. It is made clear that we have not made any observation on the merits of the matter, and the rights and contentions of the parties are expressly reserved, both in the pending contempt petition and in any proceedings which may be initiated by the respondent herein (original petitioner).

10. With these observations this Letters Patent Appeal is hereby disposed

of.

CM APPLs. 6575/2020 & 22972/2020 (*Stay*)

11. In view of the order passed in LPA 99/2020, both the applications stand disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

SEPTEMBER 24, 2020/ns

