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

+ W.P.(C) 4352/2020, CM APPL. 15665/2020 (stay) & CM APPL. 15666/2020 (exemption)

ADOBE PROPERTIES PRIVATE LIMITED AND OTHERS

..... Petitioners

Through: Mr. Ambar Qamaruddin, Mr. Varun Nischal and Rajeev Yadav, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION AND STATE OF NCT OF DELHI

..... Respondents

Through: Ms. Puja Kalra, Advocate for North DMC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **20.07.2020**

1. The hearing was conducted through video conferencing.

CM APPL. 15667/2020 (exemption from filing attested affidavit & court fees)

2. Exemption allowed, subject to the condition that the petitioners will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.

3. The application stands disposed-off.

W.P.(C) 4352/2020, CM APPL. 15665/2020 (stay) & CM APPL. 15666/2020 (exemption)

4. This petition seeks the following reliefs:

“a) Issue a Writ or any similar order/ directions in nature of Writ of Mandamus for quashing and setting aside of Impugned Order No. B/UC/KBZ/2020/69 dated 13.07.2020;

b) Issue a Writ or any similar order/ directions in nature of Writ of Mandamus for quashing and setting aside of notice issued under section 337 of DMC Act imposing fine of Rs.5,00,000 /-;

c) Issue a Writ or any similar order/ directions in nature of Writ of Mandamus for quashing and setting aside of letter No. D-741 / AE(B)/KZB/-;

d) Grant any other appropriate writ, order or direction as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

5. It is the petitioners’ case that prior to issuance of notices apropos the deviation from the sanctioned plan, the petitioner had already intimated the North DMC that due to altered circumstances and needs, they were seeking changes in the sanctioned plan. However, before a revised building plan could be filed, the Corporation issued demolition notices even without according due hearing to the petitioners. It is contended that the impugned order dated 13.07.2020 is afoul of principles of natural justice, hence it should be quashed.

6. In view of the above, the impugned order shall not be given any effect to, till the petitioners are heard. This petition shall be treated as the petitioners’ representation by the Corporation. They shall

be heard within a period of four weeks from today. The Corporation's decision on the petitioners' representation and submissions shall be communicated to the petitioners within 6 weeks from today, giving the petitioners another 4 weeks thereafter to make rectification as may be requisite.

7. Should the petitioners still be aggrieved by the decision of the Corporation, it will be open for them to pursue their remedies as may be available in law.
8. The learned counsel for the petitioners submits that, in any case, since the imposition of the nationwide lockdown, no substantial construction activity has been carried out at the site in question and *status quo* will be maintained till a decision is taken on the petitioners' representation and/or on its application for revision of sanctioned plan. Let a decision on the revised sanctioned plan be taken within 6 weeks from today.
9. The writ petition, alongwith pending applications, is disposed-off in terms of the above.
10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 20, 2020

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