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

+ W.P.(C) 12678/2018 & CM APPL. 49288/2018

RAJENDRA PRASAD JAIN Petitioner
Through Ms. Smita Maan, Adv. with
Mr. Vishal Maan, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION (SDMC) & ORS
..... Respondents
Through Mr. Sanjeev Sabharwal, Adv. with
Mr. Hem Kumar and Mr. Tushar Sannu, Adv. for
R-1.
Ms. Firdouse Qutb Wani, Adv. with Md. Zaryab
Jamalrizvi, Adv. for R-2 with
Sh. Radhey Shyam Sharma, R/L Div. Manager.
Ms. Shobhana Takiar, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **30.01.2020**

1. This writ petition is filed by the petitioner to restrain respondent No.1 from sealing and/or closing the industrial unit/premises of the petitioner being RZ-128, Narsing Garden, Khayala Industrial Area, New Delhi.
2. The Deputy Commissioner (Industries), Govt. of NCT of Delhi, has filed counter affidavit wherein it has been stated that Narsingh Garden, Khayala Industrial Cluster has been notified as re-development area under the provisions of MPD-2021. It is further pleaded that in the case of ***M.C. Mehta vs. Union of India & Ors.***, pending in the Supreme Court, 48th progress report was submitted with the Monitoring Committee. Thereafter,

the Supreme Court directed on 11.10.2018 that 21960 industrial units who have been allotted alternate industrial plots under the Relocation Scheme should be closed down, if they have not already closed down their operations. The name of the petitioner does not figure in the said list of 21960 industrial units.

3. Para 10 of the affidavit states as follows:

“10. That, vide letter No.FCI/DCI/P/REDV/84/2018-19/1008-1010 dated 19.12.2018 (Annexure-1) clarification reiterating the letter dated 15.01.2010 regarding sealing of industrial units located in industrial clusters notified for re-development under MPD-2001 and MPD-2021 was sent to all the Municipal Corporations. The clarification furnished vide letter dated 15.01.2010 as follows:

(i) That, industrial units located in 22 clusters notified for re-development were not required to be sealed as they were not considered eligible for allotment of plots under Relocation Scheme on the ground that industrial units are allowed to operate in such industrial clusters if the unit falls within the boundaries of the cluster notified for re-development. The maps of 22 industrial clusters (as per respective jurisdiction of Municipal Corporations) as per notification for re-development were also sent to the concerned Municipal Corporation.”

4. Similarly, the respondent No.1/South Delhi Municipal Corporation in its counter affidavit states as follows:

“7. That the contents of Para 7 are denied for want of knowledge of the answering respondent. However, it is specifically denied that the respondent No.1 is adamant to proceed for sealing the applicant’s premises

as clarification through Commissioner of Industries, GNCTD has already been issued for not to seal the units/industries running in the conforming/re-development industrial area and having valid Mpl. Factory License.”

5. Keeping in view the above stand taken by the Department of Industries and SDMC, it is manifest that at present there is no intention to seal the units/industries running in the conforming/re-development industrial area and having Mpl. Factory License and hence there is no imminent threat of any sealing to be done.

6. In view of above, the present petition and pending application stand disposed of.

JAYANT NATH, J

JANUARY 30, 2020

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