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

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Judgment delivered on: 22.01.2021

+ W.P(C) 907/2021 & CM APPL.2414/2021

RWA WEST JYOTI NAGAR

..... Petitioner

versus

COMMISSIONER EDMC & ANR.

.....Respondents

**Advocates who appeared in this case:**

For the Petitioner:

Mr. Nalin Kaushik, Mr. Tarun Avijayran, Ms. Bhawanshu Sharma and Ms. Purvi Gupta, Advocates.

For the Respondent:

Mr. Kapil Dutta, Advocate for EDMC.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner impugns order dated 06.01.2021 whereby a finding has been returned by the Executive Engineer of the respondent that the gates installed in the colony are not permitted and has further held that they are liable to be removed.

2. Learned counsel for petitioner submits that subject order was passed pursuant to directions issued by this Court dated 23.12.2020 in W.P(C) 10994/2020, whereby this Court had directed the Corporation to grant a hearing to the resident welfare association and thereafter pass the order.

3. Learned counsel submits that on account of an error only the RWA of West Jyoti Nagar (Extension) was granted a hearing and the petitioner

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to HMJ Sanjeev Sachdeva.

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association is RWA West Jyoti Nagar and they were not granted a hearing.

4. Issue notice. Notice is accepted by learned counsel appearing for the respondent Corporation who submits that since the RWA of West Jyoti Nagar Extension was a party in the said Writ Petition, a hearing was granted to them. He submits that the petitioner association was not a party and as such no hearing was granted to them.

5. He, however, concedes that a fresh hearing shall be granted to the petitioner association and a supplementary order passed with regard to the gates installed in the petitioner colony.

6. In view of the above, petition is disposed of with a direction to the respondents to grant the petitioner association a hearing with regard to the gates installed in their colony and thereafter to pass a speaking order.

7. For the said purposes the representative of the petitioner association shall appear before the Executive Engineer, (M)-III, Shahdara North Zone on 28.01.2021 at 2 PM. The officer shall thereafter hear the petitioners and pass appropriate orders in accordance with law.

8. Petition is disposed of in the above terms.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

**SANJEEV SACHDEVA, J.**

**JANUARY 22, 2021/rk**