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

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Judgment delivered on: 03.02.2021

+ W.P(C) 1182/2021 & CM APPL.3331/2021

AMIT GOEL

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATIONRespondent

Advocates who appeared in this case:

For the Petitioner: Mr. Sagar Aggarwal, Advocate.

For the Respondent: Mr. Mukesh Gupta, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondent to de-seal part of shops Nos.44, 45 and 46, Local Shopping Complex, Sheikh Sarai, Phase-II, New Delhi-110017.
3. Learned counsel for the petitioner contends that petitioner has already filed an appeal before the Appellate Tribunal MCD (ATMCD for short) which is pending. He submits that the ground of sealing was that petitioner had amalgamated the three shops besides certain alleged unauthorised constructions.

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4. Learned counsel submits that in so far as the issue of amalgamation is concerned, ATMCD permitted the petitioner to approach the DDA for necessary permission. He submits that DDA by its letter dated 24.09.2019 has permitted amalgamation of the three shops in terms of its circular dated 06.05.2008.

5. Learned counsel submits that the requisite charges demanded by DDA have already been paid to DDA. He submits that despite the same, respondent South Delhi Municipal Corporation is not de-sealing the shops. He submits that he has also given a representation dated 28.11.2019 which is still pending.

6. Learned counsel appearing for the respondent – South Delhi Municipal Corporation under instructions submits that the representation of the petitioner is pending and the same shall be disposed of within a period of three weeks after granting a personal hearing to the petitioner.

7. Accordingly, petitioner shall appear before the Deputy Commissioner on 05.02.2021 at 2.00 p.m.. The Deputy Commissioner shall hear the petitioner/his authorized representative on the said date or thereafter and then dispose of the representation by a speaking order within a period of three weeks from today.

8. Petitioner is permitted to produce additional documents and material at the time of the hearing.

9. It is clarified that this is without prejudice to the rights and

contentions of the parties and without prejudice to the proceedings pending before the ATMCD.

10. All rights and contentions of parties are reserved.

11. Petition is disposed of in the above terms.

12. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

FEBRUARY 03, 2021

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