

\$~40

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

%

Judgment delivered on: 06.12.2021

+ W.P.(C) 3142/2021

ONKAR SHARMA

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through

Advocates who appeared in this case:

For the Petitioner: Mr. Mandeep Singh Vinaik, Mr. Deepak Bashta, Ms. Simmi Bhamrah and Ms. Geetika Vyas, Advocates.

For the Respondent: Mr. Anand Prakash Standing Counsel North DMC with Ms. Varsha Arya & Mr Ajay Kumar Advocates for North DMC (Through VC)

Ms. Malvika Trivedi, Senior Advocate, Ms. Bhargavi Kannan and Mr. Nipun Katyal, Advocates for R-2 to 29 (Through VC)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks a direction to the respondent/Corporation to take a decision with regard to the structural stability of the building in question and pass a speaking order.

2. Learned counsel appearing for the Corporation submits that a

W.P.(C) 3142/2021

1

Signature Not Verified

Digitally Signed By: KUNAL
MAGGU
Signing Date: 07.12.2021 18:27:24
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

Digitally Signed
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 06.12.2021
23:23

request was sent to IIT Delhi for the purposes of carrying out structural stability assessment of property number 9719-9722, Ward No. XIV, Kishan Ganj, Double Phatak, Delhi 110007. He submits that they have communicated that a charges of Rs.2 lakhs besides GST and other charges of testing etc. would have to be borne before a structural stability assessment could be carried out.

3. Learned counsel appearing for the petitioner as well as learned senior counsel appearing for respondents No.2 to 29 submit that they are willing to share the charges payable to IIT for carrying out the structural stability assessment of the subject property.

4. Learned counsel appearing for the Corporation submits that on receipt of the report, the Corporation shall re-assess the situation and pass a fresh speaking order after giving an opportunity of personal hearing to the petitioner and respondents No.2 to 29.

5. In view of the above, the petition is disposed of with the following directions:-

- (i) IIT, Delhi is directed to carry out a structural stability assessment of property number 9719-9722, Ward No. XIV, Kishan Ganj, Double Phatak, Delhi 110007.
- (ii) Charges and expenses to be paid to IIT, Delhi shall be equally shared in the proportion of 50% by the petitioner and 50%

jointly by respondents No.2 to 29.

- (iii) On payment of the charges and expenses IIT, Delhi shall carry out the structural stability assessment of the subject property and submit a report to the Corporation.
 - (iv) Municipal Corporation shall thereafter re-assess the property and expeditiously pass a fresh speaking order after giving opportunity of filing additional documents and material and personal hearing to petitioner and respondents No. 2 to 29.
6. Petition is disposed of in the above terms. All rights and contentions of parties are reserved.

DECEMBER 6, 2021/NA

SANJEEV SACHDEVA, J

नित्यमेव जयते