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

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Judgment delivered on: 17.03.2021

+ W.P.(C) 3666/2020 & CM. APPL. 13092/2020

COMMUNITY WELFARE BANQUET & ORS Petitioner

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS Respondents

+ W.P.(C) 3676/2020 & CM. APPLS.13163-65/2020

READY MINT PVT. LTD. Petitioner

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ANR. Respondents

Advocates who appeared in this case:

For the Petitioner:	Mr. Sachin Chopra and Ms. Astha Gupta, Advocates in W.P(C) 3666/2020. Mr. Sunil Dalal, Advocate and Mr. Devashish Bhadauria, Advocates in W.P(C) 3676/2020.
For the Respondent:	Mr. Sanjoy Ghose, ASC with Mr. Naman Jain, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. These petitions *inter alia* seek quashing of orders dated 12.6.2020 whereby banquet halls were requisitioned for converting them into makeshift COVID-19 designated hospitals/zones.

Signature Not Verified

Digitally Signed By: HON'BLE MR JUSTICE SANJEEV SACHDEVA
MAGGU
Signing Date: 17.03.2021 23:09:51
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to HMJ Sanjeev Sachdeva.

W.P(C) 3666/2020 & 3676/2020

2. Learned counsel for the petitioner submits that after filing of the petition, all the banquet halls have been re-requisitioned and handed back on 21.8.2020.

3. Learned counsel submits that though the banquet halls have been handed back, the question as to the legality of the subject order or the right of the respondent to pass such an order still survives.

4. He further submits that in terms of Section 66 of the Disaster Management Act, 2005 (hereinafter referred to as the Act), the concerned officer, who requisitioned the property was also required to determine the compensation to be paid for such purpose.

5. Learned counsel submits that it was obligatory on the said officer to pass the order of payment compensation in terms of Section 66 without the requirement of an application.

6. Learned counsel for the respondents submits that since one of the factors for determination of compensation, under Section 66 of the Act, is the rent payable in respect of the said premises, it would be necessary for the banquet owner to give requisite details.

7. In view of the above, the petitions are disposed of, permitting the banquet owners whose banquet halls had been requisitioned to make an application under Section 66 of the Act to the concerned officer providing the requisite details as stipulated in the said Section for the purposes of determination of compensation, if any.

8. On receipt of the application, the concerned officer shall dispose of the same expeditiously, preferably within a period of six weeks of the receipt of the application.

9. Since the banquet halls have already been de-requisitioned and possession handed back to the owners, the question with regard to validity of the order and the competence of the officer is left open.

10. The petitioners are accordingly disposed of. All rights and contentions of the parties are reserved.

SANJEEV SACHDEVA, J

MARCH 17, 2021
NA

