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

% Judgment delivered on: 25.01.2022

+ W.P.(C) 1515/2022

FURNITURE BLOCK MARKET ASSOCIATION..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Gagan Gandhi and Mr. Mohit Kaushik, Advocates.

For the Respondent: Ms. Mini Pushkarna, Standing Counsel, North DMC with Ms. Latika Malhotra and Ms. Khushboo Nahar, Advocates for R-1.

Ms. Mrinalini Sen, Standing counsel, DDA/R-2.

Mr. Naginder Benipal, Senior Panel Counsel, Union of India with Mr. Harjeet Singh Sachdeva and Ms. Harithi Kambiri, Advocates for R-4.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.4307/2022 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 1515/2022 & CM APPL. 4306/2022

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondents to de-seal the



premises of the members of the petitioner association which were sealed on 20.01.2022 and further seeks setting aside of the show cause notice dated 22.12.2021 and sealing order dated 20.01.2022.

3. Learned counsel submits that no opportunity of challenging the sealing order was granted to the petitioners as the properties were sealed the very same day on which the sealing order was passed.

4. Learned counsel further submits that no opportunity of personal hearing was granted to the petitioners prior to passing of the sealing order.

5. Learned counsel for the petitioner further submits that respondent No.1 is incorrectly stating that conversion charges are liable to be paid whereas no conversion charges are liable to be paid for the subject market.

6. Issue notice. Notice is accepted by learned counsel appearing for respondent Nos.1, 2 & 4.

7. Learned counsel appearing for the respondent No.1 submits that the members of the petitioner association had met the Commissioner yesterday and assured the Commissioner that they shall be approaching the DDA for the purposes of seeking a clarification with regard to the issue of payment of conversion charges and in view thereof the Commissioner, North Delhi Municipal Corporation has agreed to de-seal the subject premises and accordingly subject premises would be de-sealed for the time being to enable petitioners to



provide the requisite clarification from DDA.

8. In view thereof this petition is disposed of directing respondent No.1 to de-seal the premises of the members of the petitioner association forthwith.

9. It is clarified that in case any further cause of sealing arises an opportunity of hearing would be granted to the petitioners and some reasonable time would be afforded to the petitioners to take legal recourse in accordance with law.

10. It is clarified that this Court has neither considered nor commented upon the merits of the contention of either parties. All rights and contentions of parties are reserved.

11. 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 25, 2022

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