



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

+ **W.P.(C) 9745/2022 and CM APPL. 28912/2022**

Date of Decision 04/07/2022

IN THE MATTER OF:

RAISEN MARKETING PVT. LTD.

..... Petitioner

Through: Mr. Ramesh Kumar, Mr. Kapil
Wadhwa and Ms. Surya Rajappan,
Advocates.

Versus

MUNICIPAL CORPORATION OF DELHI (THROUGH
COMMISSIONER) & ANR.

..... Respondents

Through: Ms. Monika Arora and Mr.
Yogesh Panwar, Advocates for
MCD.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

MANOJ KUMAR OHRI, J. (ORAL)

1. By way of the present petition filed under Article 226 of the Constitution of India, the petitioner has sought the following reliefs:-

"a. Pass a writ of Mandamus or a similar direction against the Respondents to allow temporary de-sealing of the property bearing Shop No. 29, Block-B, Shop No. B-45, 44A, Block A, Ground Floor, LSC Market, Naraina, New Delhi - 110015 for a period of Seven (7) days allowing the petitioner to shift/remove its existing stock to Plot No. 30, GF & Mezzanine Floor, Commercial Complex Naraina Industrial Area, Phase -I, New Delhi - 110028 for which excise permission has been granted vide Order dated 20.05.2022 passed by the Department of Excise, Govt. of NCT of Delhi;

b. Pass a writ of Mandamus or a similar direction against the Respondents to allow the Petitioner to remove



its stock stored at the property bearing Shop No. 29, Block-B, Shop No. B-45, 44A, Block A, Ground Floor, LSC Market, Naraina, New Delhi - 110015 from the said property;

c. Pass a writ of Mandamus or a similar direction against the Respondents to allow the Petitioner to carry out the necessary construction in the property bearing Shop No. 29, Block-B, Shop No. B-45, 44A, Block A, Ground Floor, LSC Market, Naraina, New Delhi - 110015 to rectify the amalgamation carried out pursuant to which the said property was sealed."

2. Mr. Ramesh Kumar, learned counsel for the petitioner, submits that the petitioner was granted L-7Z Zonal licence for Retail sale of Indian and foreign liquor (excluding country liquor) in the NCT of Delhi on 18.08.2021, which was valid upto 31.03.2022. Thereafter, on 18.11.2021, it obtained an L-7V license to operate liquor vend from Shop Nos. 44(A), B-45(B), Ground Floor, Block A and Shop No. 29, Ground Floor, Block B, L.S.C., Naraina, New Delhi, which stands extended till 31.07.2022.

During the course of operation of its liquor vend, the petitioner received a Show Cause Notice dated 24.11.2021 from the respondents under Sections 343 and 344(1) of the Delhi Municipal Corporation Act, 1957, alleging amalgamation of the Shops bearing Nos. A-29(A), B-44(A) and B-45(B), LSC Market by removal of the partition walls at the ground floor. Subsequently, the said properties were sealed on 03.12.2021 and also partly demolished.

3. Learned counsel for the petitioner has further submitted that vide order dated 20.05.2022, the Deputy Commissioner (Excise-I)/Licensing Authority has approved the petitioner's request for shifting of stock from



Shop No. 29, Block-B, B-45 Block-A, Shop No. 44A, Ground Floor, LSC Naraina, New Delhi to Plot No. 30, First Floor & Mizzanine Floor, Commercial Complex Naraina Industrial Area, Phase I, New Delhi - 110028. A copy of the said order has been annexed to the present petition as Annexure 14.

It is also submitted that the excise license of the petitioner is due to expire on 31.07.2022, whereafter it may not be able to sell the stock lying in the sealed premises. Learned counsel has prayed that in case the subject premises are temporarily de-sealed by the respondent/Corporation, the petitioner would be able to shift the stock lying in the aforesaid premises to the newly allotted premises.

4. Issue notice.

5. Ms. Monika Arora, learned counsel for the respondents, accepts notice and, on instructions, submits that the petitioner's request for temporary de-sealing of *Shop Nos.B-45, 44-A and 29, Ground Floor, Block-A, LSC Market* has already been approved vide letter/order dated 05.05.2022 issued by the Corporation. As per the said letter, the subject premises were directed to be temporarily de-sealed on 18.05.2022 at 11:00 a.m. and re-sealed after one day, i.e. on 19.05.2022, at 11:00 a.m.

6. Learned counsel for the petitioner submits that on the said date, there was no permission from the Excise Department and thus the stock could not be shifted. He, on instructions, further submits that requisite permission from the Excise Department has now been received and in case the premises are temporarily de-sealed for a period of 02 days, the petitioner would be able to shift its stock to the newly allotted premises.



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7. Ms. Monika Arora, learned counsel for the respondents, on instructions, submits that the respondents have no objection to the aforesaid.

8. Accordingly, with the consent of the parties, it is directed that the subject premises be temporarily de-sealed by the respondents on 07.07.2022 at 11:00 a.m. and re-sealed thereafter on the next day, i.e. on 08.07.2022, at 04:00 p.m.

9. With the above direction, the writ petition is disposed of. Miscellaneous application is disposed of as infructuous.

(MANOJ KUMAR OHRI)
JUDGE

JULY 04, 2022/ga

