



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

+ **W.P.(C) 9746/2022 and CM APPL. 28915/2022**

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 number D-73, Ground Floor, Malviya Nagar, New Delhi - 110017 for a period of three (3) days allowing the petitioner to shift/remove its existing stock to A-3/15, Asaf Ali Road, Ground Floor, Delhi - 110002 for which excise permission has been granted vide Order dated 08.06.2022 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 number D-73, Ground



Floor, Malviya Nagar, New Delhi - 110017 from the said property."

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 16.11.2021, it obtained an L-7V license to operate liquor vend at property bearing *No.D-73, GF, Malviya Nagar, Delhi* (hereinafter, referred to as the '*subject property*'), where it is a tenant.

During the course of operation of its liquor vend, the petitioner received a Show Cause Notice dated 29.11.2021 from the respondents under Sections 343 and 344(1) of the Delhi Municipal Corporation Act, 1957, alleging unauthorized construction at the subject property in the shape of excess coverage in deviation against the sanctioned building plan at ground, first and second floors including covering front set back at ground level (old and occupied). Subsequently, the property was sealed on 31.03.2022.

3. Learned counsel for the petitioner has further submitted that vide order dated 08.06.2022, the Deputy Commissioner (Excise-I)/Licensing Authority has approved the petitioner's request for shifting of stock from the subject property to property bearing *No.A-3/15, Asaf Ali Road, Ground Floor, Delhi - 110002*. A copy of the said order has been annexed to the present petition as *Annexure 10*.

Learned counsel has prayed that in case the subject property is temporarily de-sealed by the respondent/Corporation, the petitioner would be able to shift the stock lying therein to the newly allotted premises. He also prays that since the quantity of inventories lying at the subject property is large and the license of the petitioner is due to expire



NEUTRAL CITATION NO: 2022/DHC/002433

on 31.07.2022, sufficient time may be granted to shift the stock/inventories.

4. Issue notice.

5. Ms. Monika Arora, learned counsel for the respondents, accepts notice and, on instructions, submits that since the requisite permission has already been granted to the petitioner by the Excise Department, the answering respondents have no objection to the request made.

6. Accordingly, with the consent of the parties, it is directed that the subject property be temporarily de-sealed by the respondents on 11.07.2022 at 11:00 a.m. and re-sealed thereafter on 13.07.2022 at 04:00 p.m.

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

(MANOJ KUMAR OHRI)
JUDGE

JULY 04, 2022

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