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

% Judgment delivered on: 30.05.2023

+ W.P.(C) 7788/2023

BLUE MOON CAFE

..... Petitioner

versus

DEPUTY COMMISSIONER OF POLICE & ANR

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms. Mahjabeen, Advocate

For the Respondent : Mr. Santosh K Tripathi, ASC with Mr. Arun Panwar and Ms. Mahak Rankawat, Advocates and PSI Sandeep, P.S. Anand Vihar. Inspector Ram Naresh, Licensing Unit, Delhi Police for R-2. Mr. Anupam Sharrma, Special Counsel-ED with Mr. Prakarsh Airan, Ms. Harpreet Kalsi, Mr. Abhishek Batra and Mr. Ripudaman Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

The matter has been received on transfer on urgent mentioning

CM APPL. 30082/2023

1. Exemption allowed subject to all just exceptions.



2. The application stands disposed of.

W.P.(C) 7788/2023 & CM APPL. 30081/2023 (Interim Order)

3. The petitioner challenges the notice dated 08.05.2023 at page 93 (Annexure P-6) to the petition, whereby the ACP of the area has directed the SHO P.S. Anand Vihar to file the closure report with photographs of the premises bearing Shop No. 209-210, Second Floor, Plot No.15, Nipun tower, Karkardooma Commercial Complex, East Delhi, running a restaurant and bar by the name “Blue Moon Cafe”.

4. A perusal of the said impugned notice reveals that barring the aforesaid directions, no other discernable reason or grounds are given for such order being passed.

5. Learned counsel for the petitioner submits that the petitioner has all the requisite licenses, including that issued by the East Delhi Municipal Corporation, Form C of the Government of Delhi under the Food Safety and Standards Authority of India which gives permission to serve Beverages, ready-to-eat savouries and prepared foods.

6. Learned counsel submits that the petitioner has applied to the DCP, commencing from the year 2021 and the last being on 25.02.2023. However, neither has there been any response nor any disposal of the aforesaid applications seeking permission through the DCP.

7. Learned counsel appearing for the respondent nos. 1 and 2 submits that the applications being referred to by learned counsel for the petitioner have been individually examined and rejected either by the MCD or by the Delhi Police and as such there is nothing pending before the Delhi Police or the MCD.

8. Be that as it may, this Court is of the considered opinion that the



present petition may be treated as a representation by the petitioner to the respondent, which may be placed before the Competent Authority who may dispose of the same with a speaking order within one week from today.

9. The petitioner will be afforded an opportunity of personal hearing of which an advance notice will be given to the petitioner.

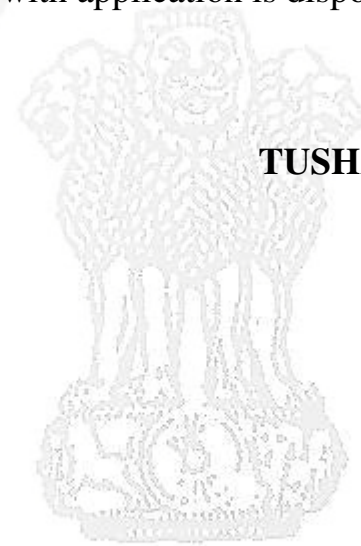
10. In the meanwhile, till the order is passed, no coercive action shall be taken by the respondents to give effect to the order dated 08.05.2023.

11. The petition alongwith application is disposed of in above terms.

TUSHAR RAO GEDELA, J.

MAY 30, 2023

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