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

+ **CONT.CAS(C) 48/2024 & CM APPL. 1966/2024**

SH V K AGARWAL & ANR.

..... Petitioners

Through: Mr. Manoj Khanna, Advocate.
Mob. 9810154813

versus

VANDANA RAO DEPUTY COMMISSIONER & ANR.

..... Respondents

Through: Mr. Ashutosh Gupta, ASC for MCD.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

11.01.2024

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1. The present contempt petition has been filed raising the plea of disobedience of the order dated 15th September, 2023 passed in *W.P.(C) 12175/2023* by the respondents.
2. It is the case of the petitioners that they had challenged the installation of the lift by the owners/occupiers of Flat No. 250 to 255 in SFS flats in Ashok Vihar, Phase-IV, Delhi-110052. Learned counsel for the petitioners draws the attention of this Court to the order dated 15th September, 2023 passed in the writ petition filed by the petitioners, wherein a statement was made on behalf of the respondent-Municipal Corporation of Delhi ("MCD") that a work stop notice dated 11th September, 2023 had already been issued with respect to the work of installation of the lift in question.
3. On the basis of the said statement the writ petition filed on behalf of



the petitioners was disposed of vide order dated 15th September, 2023.

4. It is the case of the petitioners that the respondents have now resumed the construction for the installation of the lift on 2nd January, 2024.

5. Further, it is submitted by learned counsel for the petitioners that the respondents have also obtained a revised sanction plan for installation of the lift from the respondent. Thus, the present contempt petition has been filed.

6. Mr. Ashutosh Gupta, learned additional standing counsel appearing for the MCD on advance notice submits that subsequent to the disposal of the writ petition, an application dated 17th November, 2023 was received from the respondents. Upon taking opinion from the Building (Headquarter) Department of the MCD, a revised sanction plan was issued in favour of the respondents for installation of the lift at DDA SFS Flats No. 250-255, Phase-IV, Ashok Vihar, Delhi-110052 vide sanction letter dated 01st December, 2023. Thus, he submits that the current construction towards installation of the lift is as per the revised sanction plan.

7. At this stage, learned counsel appearing for the petitioners submits that liberty may be granted to him to challenge the revised sanction plan dated 01st December, 2023 issued to the respondents. He further submits that he may be provided a copy of the sanction plan of the lift so that he can seek his appropriate remedies.

8. The respondent-MCD is directed to supply copy of the sanction plan to the learned counsel appearing for the petitioners within a period of two working days.

9. In view of the aforesaid, learned counsel appearing for the petitioners submits that he may be permitted to withdraw the present contempt petition in order to seek appropriate legal remedies to challenge the sanction letter



dated 1st December, 2023 issued by the respondent –MCD.

10. In view thereof, the present contempt petition is dismissed as withdrawn along with the pending application.

MINI PUSHKARNA, J

JANUARY 11, 2024

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