



\$~112

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 140/2024, CM APPL. 23842/2024 & CM APPL.**
23843/2024

SH PARAMJEET SINGH OBEROI Petitioner

Through: Mr. Praveen Suri, Adv. with Mr.
Sagar Nandwani, Adv.
M: 9810928188

versus

THE COMMISSIONER MCD AND ORS. Respondents

Through: Mr. Kartik Kaushal, Adv. for MCD.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
25.04.2024

%

CM APPL. 23843/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 140/2024 & CM APPL. 23842/2024

3. The present petition and application have been filed by the petitioner to initiate contempt proceedings against the respondent nos. 3 and 4, in view of the Status Report filed on behalf of the Municipal Corporation of Delhi ("MCD").
4. Learned counsel appearing for the petitioner submits that from the reply and forwarding letter dated 02nd February, 2024 of the respondent nos. 3 and 4, it is evident that the respondents have purposely and deliberately not complied with the order dated 04th December 2023 passed in *W.P.(C)*



No. 14080/2023.

5. It is submitted that the representation filed by the petitioner has not been adjudicated within the stipulated four weeks, as directed in the aforesaid order. It is submitted that even the report dated 01st February, 2024 as submitted by the MCD cannot be considered to be compliance of the order dated 04th December, 2023.

6. Per contra, learned Standing Counsel appearing for the respondent-MCD draws the attention of this Court to the Report dated 01st February, 2024, which has been communicated to the petitioner vide letter dated 02nd February, 2024. By referring to the said Status Report, it is submitted that the representation filed by the petitioner was duly considered by the department and a reasoned order has been passed, in terms of the directions issued by this Court vide order dated 04th December, 2023.

7. He draws the attention of this Court to the said Speaking Order dated 01st February, 2024, wherein representation dated 25th September, 2023 submitted by the petitioner has been duly taken note of and considered by the Department.

8. At this stage, learned counsel appearing for the petitioner submits that though the Speaking Order dated 01st February, 2024 has been passed by the respondent, however, the same is only an empty formality. He submits that the property is protected under the earlier notifications and the Speaking Order has been passed wrongly and cannot stand the test of law.

9. He further submits that no plausible reason has been given in the said Speaking Order and the same cannot be considered to be compliance of the directions passed by this Court. Thus, the said order dated 01st February, 2024 passed by the respondent, cannot be considered to be a Speaking



Order.

10. Having heard learned counsel for the parties, at the outset, this Court notes that by order dated 04th December, 2023 passed in *W.P.(C) No. 10480/2023* directions had been issued to the respondent-MCD to consider the representation of the petitioner. It was further noted in the said order that in case the decision of the petitioner's representation is adverse to him, the petitioner shall approach the Appellate Tribunal, Municipal Corporation of Delhi ("ATMCD") against the orders of sanction and sealing. Order dated 04th December 2023 passed in *W.P.(C) No. 14080/2023* reads as under:

"1. The petitioner has filed this writ petition for disposal of his representation dated 25.09.2023 [Annexure P-12 of the writ petition] and for setting aside of a sanctioned plan dated 29.01.2022, issued by the Municipal Corporation of Delhi ["MCD"] in favour of one Mr. Bharat Rai Mehndiratta and Mr. Ushnak Mehndiratta, who are part owners of the property owned by the petitioner. The petitioner also seeks direction for de-sealing of his shops and "other shops" in the property.

2. Further to order dated 17.11.2023, Mr. Praveen Suri, learned counsel for the petitioner, limits the relief sought in the writ petition to disposal of the petitioner's representation and states that if the disposal of the representation is adverse to him, he will approach the Appellate Tribunal for Municipal Corporation of Delhi ["ATMCD"] against the orders of sanction and sealing.

3. Mr. Anil Sehgal, learned counsel for MCD, states that the petitioner's representation will be disposed of within four weeks from today.

4. The writ petition, alongwith pending applications, is disposed of in these terms with liberty to the petitioner to approach the ATMCD, if required."

11. Considering the aforesaid order, it is clear that the only direction passed by this Court was with regard to consideration and disposal of the representation of the petitioner. The representation of the petitioner has since been disposed of vide report dated 01st February, 2024. Thus, this Court



holds that the order dated 04th December, 2023 passed by this Court, has been duly complied with. Merely because there is some delay in disposal of the representation of the petitioner, would not be a ground to proceed with contempt proceedings against the respondents.

12. Accordingly, this Court is of the view that no orders can be passed in the present proceedings.

13. However, liberty is granted to the petitioner to approach the ATMCD against the report dated 01st February, 2024 submitted by the respondent-MCD, thereby disposing of the representation of the petitioner.

14. With the aforesaid directions, the present contempt petition is disposed of along with the pending applications.

15. Needless to state, this Court has not made any observation on the merits of the submissions of the respective parties, which are left open to be considered and decided in appropriate proceedings.

MINI PUSHKARNA, J

APRIL 25, 2024/kr