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

CM No.49725/2024 in

+ **LPA 195/2023**

GOVT OF NCT OF DELHI & ANR.Appellants

Through: Mr Prashant Manchanda, ASC with Ms
Nancy Shah, Adv. along with Mr Binod
Kamal, SO and Mr Roushan Kamal, Sr.
Asstt.

versus

SAMAIIRA JEWELS PVT LTD & ORS.Respondents

Through: Mr Kamal Sethi, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

29.08.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM No.49725/2024

1. This is an application moved on behalf of respondent no.1, i.e., the landlord of the subject premises.
2. Issue notice.
 - 2.1 Mr Prashant Manchanda, learned Additional Standing Counsel, accepts notice on behalf of the non-applicants/appellants.
3. Mr Manchanda says that in view of similar reliefs granted in other matters, he does not wish to file a reply.

LPA 195/2023

page 1 of 3



3.1 The statement of Mr Manchanda is taken on record.

4. *Inter alia*, our attention has been drawn to the orders dated 26.02.2024 passed in LPA No.s 193/2023 and 195/2023.

4.1 The substantive directions were issued by this Court in LPA No.193/2023. The directions issued in LPA No.193/2023 were directed to be applied *mutatis mutandis* in LPA No.195/2023.

5. Admittedly, a Special Leave Petition, i.e., SLP(C)No.13919/2024 was filed against the order dated 26.02.2024 passed in LPA No.195/2023, whereupon, on 26.07.2024, the Supreme Court passed the following order:

- “1. As this Special Leave Petition is against the owner of the property, we are not inclined to interfere with the impugned judgment and order passed by the High Court.
2. The Special Leave Petition is accordingly dismissed.
3. However, dismissal of this Special Leave petition will have no implication on the proceedings that the petitioner would have taken against the licensee.
4. Pending application(s), if any, shall stand disposed of.”

6. We may note that on 12.08.2024, an application, i.e., CM No.22788/2024 was preferred in LPA No.193/2023. This application was disposed of on the said date, recording the aforementioned facts. The operative direction issued via the order dated 12.08.2024 was the following:

- “2. The application is disposed of with a direction that due compliance will be made, bearing in mind the directions contained in the order dated 26.02.2024 passed by this Court, and the order dated 26.07.2024 passed by the Supreme Court.
3. Needless to add, the non-applicants/appellants will take expeditious steps in complying with the orders. However, compliance will be made not later than two (2) weeks from today.”



7. These aspects were also recorded in another appeal, i.e., LPA No.206/2023, which was also disposed of on 12.08.2024.

8. Accordingly, the instant application is disposed of with a direction that the non-applicants/appellants will comply with the directions contained in the judgment and order dated 26.02.2024 passed in LPA No.193/2023.

8.1 The directions contained therein will apply *mutatis mutandis* in the instant case as well, bearing in mind the observations made by the Supreme Court in the order dated 26.07.2024 passed in SLP(C)No.13919/2024.

9. Needless to add, the non-applicants/appellants will act with due expedition and accordingly, transfer/relocate the stock stored in the subject premises at the earliest, though not later than two (02) weeks from today.

10. The application is disposed of, in the aforesaid terms.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 29, 2024

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Click here to check corrigendum, if any

LPA 195/2023

page 3 of 3