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

+ **W.P.(C) 2522/2020, CM APPL. 8835/2020**

KUNAL TANWAR & ORS

.....Petitioner

Through: Mr. Varun Tyagi, Mr. Ishan
Srivastava, Advocates.

versus

UNION OF INDIA & ORS

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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12.08.2024

1. The petitioner has prayed for the following reliefs:-

- “a) Issue a writ of certiorari quashing the notice dated 21.11.2019/22.11.19 issued by Respondent No. 3 being contrary to the provisions of the Master Plan Delhi, 2021 and also order dt. 27.02.2020 passed by the Appellate Tribunal, MOD;*
b) Issue a writ, order and/or direction to Respondent No.3 directing them to not act pursuant to the impugned notice dated 21.11.2019/22.11.19 and not to seal/close the Premises/Unit of the Petitioners situated at Industrial Cluster at Basai Darapur, Delhi;
c) Pass such further and other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The status report placed on record by the respondent-Corporation would indicate that the action in question has been taken in pursuance of the directions passed by the Supreme Court in W.P. (C) No. 4677/1985 titled as ***M.C. Mehta v. Union of India and Ors.*** vide order dated 24.08.2018. As per the decision taken by the respondent, the industrial activities operating in



residential/non-confirming area have been directed to be closed. Paragraph no.6 of the status report filed by the respondent-Corporation would indicate that the subject matter of the unit in question falls under the non-permitted area where no industrial/commercial activity is permitted. The concerned paragraph reads as below:-

“6. That vide Notification dated 31.05.2005, guidelines were issued by Govt of NCTD for declaring non-conforming industrial clusters fit for carrying out industrial activities for re-development and identification of industrial clusters. It is pertinent to mention herein that a clarification with respect to the sustainability of notification dated 31.05.2005 against Basai Darapur was sought from the Deputy Commissioner (Industries), Government of NCT of Delhi (GNCTD) in which it has been clarified, that, the area of Basai Darapur is not being considered as a re-development area and action as per the directions given by the Hon'ble Supreme Court and the Monitoring Committee may be taken against them. A copy of clarification dated 11.01.2019 sought from the Deputy Commissioner (Industries), GNCTD as annexed as Annexure -D”.

3. It is stated by the respondent that the area in question i.e. Basai Darapur, Delhi continues to remain in non-confirming area and till date there has been no change in its position. The unaltered position has been reaffirmed by an additional status report filed by the respondent-Corporation on 21.03.2024 as per directions of this Court vide order dated 28.07.2023, wherein, the 48th progress report of the Monitoring Committee was brought on record. The same has been annexed as Annexure-B to the said additional status report and the earlier stand of the committee has been reiterated i.e., to close down illegal activities running in residential/non-confirming areas of Delhi.

4. Learned counsel who appears for the petitioner, however, places on record a newspaper publication wherein it was published that Delhi Government has decided to develop 25 notified non-confirming industrial



areas in the next 5 years. He, therefore, based on the newspaper clipping, submits that the process for declaration of the area in question to be a conforming industrial area is underway.

5. The Court has considered the material evidence on record and the position which has been taken by the respondent which is substantiated by the Monitoring Committee Report clearly indicates that as of now, the area in question is a non-confirming area and so long as the area in question is declared a conforming industrial area, the petitioner is not entitled for any relief in the instant writ petition.

6. The Court, however, grants liberty to the petitioner to approach the respondent-Corporation, if in case, the area in question is declared as a conforming industrial area. The respondent-Corporation, thereafter, is bound to take necessary steps in accordance with law.

7. With the aforesaid observations, the instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 12, 2024/KG