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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 389/2023 & CM Nos.21061-63/2023

GOVT OF NCT OF DELHI & ANR.

.....Appellants

Through: Mr Prashant Manchanda, ASC with Ms
Nancy Shah, Adv. along with Mr Rakesh
Arora, ASO Insp. Excise Deptt.

versus

RAJIV GUPTA & ORS.

.....Respondents

Through: Mr Tushar Gupta and Mr Sumit Kumar
Mishra, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

12.08.2024

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

1. This appeal is directed against the order dated 13.03.2023 passed by the learned Single Judge.
2. We are informed by learned counsel for the parties that the issue raised in the instant appeal is covered by the judgment and order dated 26.02.2024 filed in a bunch of appeals [the lead matter being LPA no. 193/2023, ***Govt. of NCT of Delhi & Anr. v. Pradeep Kumar & Ors.***].
3. To be noted, on the aforesaid date, i.e., 26.02.2024, we had also passed an order in LPA no. 195/2023, titled ***Govt. of NCT of Delhi & Anr. v. Samaira Jewels Pvt. Ltd. & Ors.***
4. The directions issued in LPA no. 193/2023 were made applicable *mutatis mutandis* to that case, which was the subject matter of LPA no. 195/2023 as well.
5. The appellants had carried the order dated 26.02.2024 passed in LPA no. 195/2023 in appeal to the Supreme Court. The Supreme Court dismissed the Special Leave Petition [SLP] preferred by the appellants *via* order dated 26.07.2024.

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6. The SLP was numbered as SLP (C) no. 13919/2024. The order passed by the Supreme Court is set forth hereafter:

- “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.”

7. It is not disputed before us that respondents no. 1 to 3 are the owners/landlords of the subject vends.

8. Accordingly, the appeal is disposed of with a direction that the directions issued *via* judgment and order dated 26.02.2024 passed in LPA no. 193/2023 would apply *mutatis mutandis qua* the instant case as well, bearing in mind the observations made by the Supreme Court in the aforementioned order dated 26.07.2024.

9. Needless to add, the appellants will act with due expedition and transfer/relocate the stock, as directed, at the earliest, though, not later than two (2) weeks from today.

10. Consequently, the pending applications shall stand closed.

11. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 12, 2024/ aj

[Click here to check corrigendum, if any](#)