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

+ W.P.(C) 5038/2020 & CM APPL. 18145/2020

M/S BIG CHILL CAFE PVT LTD

.....Petitioner

Through: Mr. M.A. Niyazi, Ms. Anamika
Ghai Niyazi, Ms. Kirti Bhardwaj,
Ms. Nehmat Sethi, Mr. Arquam
Ali, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: Mr. Ashwin Kataria, Advocate for
NDMC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.10.2024

1. The petitioner operates a cafe in the Connaught Place area under the name of "The Big Chill". It has filed this writ petition in respect of its application for grant of a health license and police registration.
2. By a communication dated 07.07.2020, which is under challenge in the present writ petition, the petitioner was asked to submit various documents in support of its application for a health license. The controversy relates to the request for submission of the sanction plan. It is the contention of Mr. M.A. Niyazi, learned counsel for the petitioner, that the petitioner's premises in Connaught Place [No. B-40, First and Second Floor, Connaught Place, New Delhi] does not have a sanction plan at all, which made it impossible to comply with the condition imposed.



3. Mr. Niyazi and Mr. Ashwin Kataria, learned counsel for New Delhi Municipal Corporation [“NDMC”], state that during the pendency of the writ petition, the petitioner has been issued with a health license on 06.03.2024 and police registration has also been granted on 30.05.2024. Both the permissions are valid till 31.03.2026.

4. In view of the above, the present petition becomes infructuous. However, Mr. Niyazi apprehends that in the future also, NDMC may seek submission of a sanction plan at the time of application for renewal of the health license. Mr. Kataria states that, at present, there is an office order dated 11.12.2023, by which it has been clarified that if a sanction plan is not available for a building in question, a site plan certified by a qualified architect may be produced. Mr. Niyazi states that this condition has been complied with and will be complied with in future also.

5. The writ petition, alongwith pending applications, is disposed of, noting the aforesaid submissions. In the event NDMC’s policy changes in the future, and a sanction plan is again insisted upon for the premises in question, the petitioner will be at liberty to approach the Court afresh.

PRATEEK JALAN, J

OCTOBER 8, 2024

‘Bhupi’/