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

+ **W.P.(C) 7557/2024**

CENTRAL FOOTWEAR CO

..... Petitioner

Through: Mr. Tarun Sharma and Mr. Manek
Sharma, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR. Respondents

Through: Mr. Avishkar Singhvi, ASC with Mr.
Shubham Kumar, Mr. Vivek Kumar
Singh and Mr. Naved Ahmed,
Advocates for R-1.

Ms. Anusuya Salwan, Advocate for
DSI IDC.

Ms. Varsha Tomar, Legal Assistant,
DSI IDC.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **24.05.2024**

CM APPL. 31471/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The Petitioner has approached this Court seeking compliance of the Orders dated 05.03.2009 and 13.07.2017 passed by this Court in W.P.(C) 7604/2007 and W.P.(C) 3889/2015 respectively.

2. The facts of the case reveal that the Petitioner/Central Footwear Company is a partnership firm was running an industrial unit in the Non-Conforming Area. Pursuant to the Order dated 07.12.2000 passed by the Hon'ble Supreme Court in W.P.(C) 4677/1995 in case of "M. C. Mehta vs.

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Union of India”, a scheme was launched whereby alternative sites were being given to such of those industries which were being operated in Non-Conforming Area. Apropos to that, the Petitioner filed an application for grant of alternative site. Material on record indicates that the Petitioner had approached this Court by filing a writ petition being W.P.(C) 7604/2007 which was disposed of by this Court *vide* Order dated 05.03.2009 directing the Respondents to process the application of the Petitioner and communicate its decision to the Petitioner. The Petitioner, thereafter, had filed another writ petition being W.P.(C) 3889/2015 praying for the same relief wherein an objection was raised by the Counsel for the Respondents stating that if the Petitioner is able to give any material to substantiate its contention, the application of the Petitioner would be considered and the said writ petition was disposed of by this Court *vide* Order dated 13.07.2017 directing the Respondents to verify the documents given by the Petitioner. It is stated that pursuant to the said Order, the Petitioner has given all the documents to the Respondents as reflected in annexure P-3 of the writ petition. It is also stated that after 2017, there is no response on the part of the Respondents. The averments made in the writ petition indicate that one of the partners who was pursuing the matter passed away on 11.01.2019 and therefore, the partnership firm could not pursue the application.

3. In view of the aforesaid Orders dated 05.03.2009 and 13.07.2017 passed by this Court, this Court is inclined to dispose of the present writ petition by directing the Respondents to treat the present writ petition as a representation and consider the documents filed by the partnership firm within a period of six weeks from today.

4. The Petitioner is also permitted to submit any other additional



documents/representation to the Respondents within a period of two weeks from today. If the Rules otherwise permit, the Respondents are also directed to afford an opportunity of personal hearing to the Petitioner before taking any final decision in this regard. Let the entire exercise be completed within a period of six weeks from today.

5. With these observations, the writ petition is disposed of, along with pending application(s), if any.

6. It is made clear that this Court has not made any observations on the merits of the case and the Respondents are directed to consider the case of the Petitioner in accordance with law.

SUBRAMONIUM PRASAD, J

MAY 24, 2024

S. Zakir