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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11381/2023 & CM APPLs. 44281/2023, 46396/2023,
52045/2023 & 5076/2024
SITA RAM GUPTA Petitioner

Through: Mr. Satinder S. Gulati and Mr. Mohit
Gupta, Advocates.

versus

JOINT CHIEF CONTROLLER OF EXPLOSIVES GOVERNMENT
OF INDIA MINISTRY OF COMMERCE AND INDUSTRY
PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION

..... Respondent

Through: Mr. T. P. Singh, Sr. Central Govt.
Counsel with Ms. Deepa Malik, GP.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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06.02.2024

1. The Petitioner has challenged the Order dated 17.11.2022 passed by the Controller of Explosives cancelling the license issued to the Petitioner for sale of fireworks from Shop No. 10104, Rani Jhasi Road, Delhi.
2. The facts of the case leading to the writ petitioner and that a license under the name and style of M/s Gupta & Company was issued for the purpose of carrying on the business of trading in crackers.
3. The license was being renewed from time to time and last of the renewal was on 10.10.2018 valid till 31.03.2023. A dispute arose in the Petitioner's family and the dispute was referred to arbitration. An award was passed on 29.09.2022 whereby the learned Arbitrator directed that the license in favour of the Petitioner shall cease to have any effect. The said Award dated 29.09.2022 was challenged within the time prescribed under Section 34 of the Arbitration & Conciliation Act by filing a petition on 23.01.2023.
4. An interim order was granted to the Petitioner on 17.11.2023. In the



interregnum, even before the time specified under Section 34 of the Arbitration & Conciliation Act had lapsed, the impugned order had been passed cancelling the license. The only reason given in the order cancelling the license is the Award passed by the Arbitral Tribunal.

5. It is the contention of learned Counsel for the Petitioner that the order ought not to have been passed till the time specified under Section 34 to challenge the order had not lapsed.

6. *Per contra*, learned Counsel for the Respondent contends that the land eviction proceedings were initiated and the property was acquired and the property has been handed over to North Circle of DMC.

7. In rejoinder, learned Counsel for the Petitioner submits that initially the shop for an area of 96 sq. meters, out of 72.85 sq. meters stood acquired and the shop now exists in 29.32 sq. meters. Since the only reason given in the impugned order is the directions in the Award dated 29.09.2022 for cancelling the license and the said Award has been stayed, the basis of the impugned order does not survive.

8. Resultantly, the impugned order is set aside. It is always open for the Respondent to issue a fresh show cause notice to the Petitioner and proceed ahead in accordance with law.

9. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 6, 2024

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