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

+ W.P.(C) 13417/2021 & CM APPLs. 42294/2021, 42296/2021,
45748/2021

GROVY INDIA LIMITED

.....Petitioner

Through: Mr. Aditya Wadhwa, Mr.
Siddharth Sunil & Mr. Arunav
Sarma, Advocates.

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Ms. Beenashaw Soni, SC for MCD
with Ms. Ann Joseph & Ms. Mansi
Jain, Advocates for MCD/R-1.
Mr. Sanjeev Soni, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.10.2024

1. The petitioner assails an order of Municipal Corporation of Delhi ["MCD"] dated 25.10.2021, by which the MCD has revoked a completion cum occupancy certificate granted in respect of the petitioner's property *No. S-396 Greater Kailash-II*, New Delhi. The MCD has come to the conclusion that the completion cum occupancy certificate was obtained by the petitioner on the basis of concealment and misrepresentation of facts.

2. The preliminary point urged by Ms. Beenashaw Soni, learned Standing Counsel for the respondent – MCD, is that the impugned order is appealable before the Appellate Tribunal for Municipal Corporation of Delhi ["ATMCD"] under Section 347B of the Delhi Municipal Corporation Act, 1957 ["the Act"]. Section 347B, to the extent it is



relevant reads as follows:

“347B. Appeals against certain orders or notices issued under the Act.

(1) Any person aggrieved by any of the following orders made or notices issued under this Act, may prefer an appeal against such order or notice to the Appellate Tribunal, namely-

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(n)an order refusing to grant permission under sub-section(2) of section 346;

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(p) any such other order or notice relating to or arising out of planned development under the provisions of this Act may be prescribed by rules.”

3. Factually, the petitioner applied for grant of the completion certificate online on 12.08.2020, which was issued on 15.09.2020. Upon a complaint made by respondent No. 2, who claimed to be the recorded owner of the property, the MCD issued a show cause notice dated 19.02.2021 to the petitioner. The petitioner disputed the contents of the complaint by its communication dated 01.03.2021, and also granted a personal hearing on 20.07.2021, prior to passing the impugned order dated 25.10.2021.

4. The contention of Mr. Aditya Wadhwa, learned counsel for the petitioner, is that the petitioner’s application for grant of the completion certificate under Section 346 of the Act was, in fact, accepted and the completion certificate was issued. The case therefore, does not fall within Section 347B (1)(n) of the Act, and no appeal is maintainable before the ATMCD.

5. I am of the view that on a proper reading of the Act, this contention is misconceived. Section 347B of the Act provides for various orders which are appealable. On a proper interpretation of Section 347B, I am of



the view that order revoking the completion certificate is also in exercise of the power conferred by Section 346 of the Act, and therefore, appealable before the ATMCD. Issues which arise in proceedings challenging the revocation of a completion certificate may also encompass factual disputes, which are incapable of adjudication in writ proceedings. The provision of an appellate remedy provides a wider scope of challenge to an aggrieved party.

6. The petition is therefore disposed of, with liberty to the petitioner to approach the ATMCD against the impugned order.

7. It is made clear that this Court has not made any observation on the merits of the matter.

PRATEEK JALAN, J

OCTOBER 23, 2024

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