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

+ W.P.(C) 14529/2022 & CM APPL. 44425/2022

SMT NEERAJ GUPTA

.....Petitioner

Through: Mr. Ajay Kanojiya, Mr. Dhruv
Joshi, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Mr. Tushar Sannu, ASC for NDMC
with Mr. Manoviraj Singh and Mr.
Hardik Saxena, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.09.2024

1. The petitioner has filed this writ petition, challenging a show cause notice dated 27.05.2021 and a sealing order dated 13.06.2022, issued by the respondent – New Delhi Municipal Council in respect of *Shop No.11, AIIMS Subway, New Delhi*.

2. The shop was allotted to the petitioner by way of an Allotment Letter dated 20.10.1999, for the purposes of running a telephone booth. In the show cause notice, the respondent alleged the following violations:

“i. Shop was sublet to M/s Superb path Lab.

ii. Changed the trade from Telephone Booth to Pathology Lab without obtaining permission from NDMC.

iii. Erected the advertisement board vertically which is projecting outside the shop.

iv. Encroached the public passage by placing the counter on the passage.”

3. The sealing order refers to the aforesaid violations and outstanding dues of Rs.3,81,178/- on account of license fee until June 2022. The



respondent also noted that the license was determined since long, and that the petitioner was liable to pay damage charges at the rate of 130% on the usual license fee. On these grounds, the property was sought to be sealed, and remains sealed since then.

4. In the meanwhile, the respondent has instituted proceedings for eviction and recovery of rent/damages, before the Estate Officer under the Public Premises (Eviction of Unauthorised Occupants), Act, 1971. Learned counsel on both sides state that said proceedings are predicated on similar grounds, as articulated in the sealing order. The proceedings have been heard by the Estate Officer and the order has been reserved.

5. As the order has already been reserved by the Estate Officer, the writ petition is disposed of, with the direction that in the event the eviction petition filed by NDMC is dismissed by the Estate Officer, the shop will be de-sealed within four weeks thereafter. This is subject to the petitioner clearing the license fee and applicable tax thereon, until the date the property was sealed.

6. This order is without prejudice to the rights and contentions of either party to take appropriate appellate remedies, against any order passed by the Estate Officer, and will also be subject to any interim orders granted by the Appellate Court.

PRATEEK JALAN, J

SEPTEMBER 27, 2024
SS/