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

+ **W.P.(C) 9991/2024 & CM APPL 40903/2024**

SMT KRISHNA BANSAL & ANR.Petitioner

Through: Mr. Arbaaz Hussain, Adv.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Prithvi Sabharwal, SC for MCD

**CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR
KAURAV**

ORDER

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22.07.2024

CM APPL 40904/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 9991/2024 & CM APPL 40903/2024

1. There appears to be some dispute with respect to whether the petitioner was afforded proper opportunity of hearing before passing of the impugned order dated 09.07.2024.
2. Learned counsel appearing on behalf of the respondent-Corporation submits that the impugned order dated 09.07.2024 has been passed after affording appropriate opportunity of hearing to the petitioner.
3. However, learned counsel for the petitioner controverts the said submission. He submits that the objectionable gate in question has been set up prior to 2007 and therefore, in view of the Delhi Laws (Special



Provisions) Act, 2006, the gate in question is protected.

4. Learned counsel for the respondent, however, submits that there is no evidence to indicate that the gate in question was erected before 07.02.2007.

5. Keeping in mind the controversy and the submissions made by learned counsels for the parties, the Court finds it appropriate to grant one additional opportunity to the petitioner to satisfy as to when the construction of the gate had actually taken place.

6. Let the petitioner to file the reply within seven days from today.

7. The respondent-Corporation shall pass a fresh order after considering the reply which is proposed to be submitted by the petitioner.

8. If any adverse order is passed by the respondent-Corporation, the petitioner is at liberty to challenge the same in accordance with law.

9. With the aforesaid observations, the petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

JULY 22, 2024

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