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

+ **W.P.(C) 11085/2024 and CM APPL. 45794/2024**

SANJAY GUPTA & ANR.

.....Petitioners

Through: **Ms. Sonali Chopra, Adv.**

versus

NEW DELHI MUNICIPAL COUNCILRespondent

Through: **Mr. Sanjay Sharma, ASC with Mr. Pardeep Suhag, Mr. Anand Kumar Sharma, Advs. and Mr. Ankit Goyal, ALO, MCD.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
06.09.2024

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1. The facts of the case would indicate that in terms of the permission/sanction letter dated 11.09.2023, the petitioner was earlier permitted to carry out certain repairing/renovation work.
2. However, since the necessary repairing/renovation work could not be carried out due to various reasons within the permissible time, the petitioner had approached this Court through W.P.(C) 6496/2024 and *vide* order dated 10.05.2024, the Court considered the earlier permissions/sanction and in paragraph No.10, certain directions were issued.
3. Paragraph No.10 of the order dated 10.05.2024 in W.P.(C) 6496/2024 reads as under:

“10. Considering the aforesaid circumstances and the submission of the respective counsel, following directions are issued:-



(i) The time period afforded to the petitioner for carrying out repair/renovation work in the property bearing No. E-40 & E-41, Connaught Place, New Delhi vide letter dated 11.09.2023 is extended by a period of 5 months from today. The petitioner shall be at liberty to resume the repair/ renovation work.

(ii) The above shall be subject to the petitioner being in strict compliance with the construction guidelines of the Heritage Conservation Committee and subject to the petitioner responding to the letter dated 10.04.2024 issued by the department Architecture, NDMC and satisfying the Department of Architecture, NDMC as to the construction methodology being followed by the petitioner.

(iii) The concerned official from the Department of Architecture, NDMC shall grant an opportunity of hearing to the petitioner on 13.05.2024 at 2.00 PM, to enable the petitioner to satisfy and demonstrate that the construction methodology being followed by it is as per the permission/ approval granted vide letter dated 11.9.2023. Needless to say, in case the Department of Architecture, NDMC/Heritage Conservation Committee concludes that any violation has been committed by petitioner as regards the applicable construction guidelines, it shall be at liberty to take appropriate action in accordance with law including revocation of the permission/sanction issued vide letter dated 11.09.2023.”

4. It is thus seen that the permission granted *vide* letter dated 11.09.2023 was extended for a period of five months from the date of the passing of the order.

5. The Court specifically directed that the petitioner shall abide by the guidelines of the Heritage Conservation Committee [“HCC”] and the extension shall be subject to the petitioner responding to the letter dated 10.04.2024 issued by the Department of Architecture, NDMC and satisfying the said Department. The Court took note of various other aspects and the petitioner was granted an opportunity to satisfy and demonstrate before the respondent that the construction methodology followed by it is as per the approval already granted *vide* letter dated 11.09.2023.



6. The petitioner, thereafter, in the instant writ petition seeks to challenge the work stop letter dated 31.07.2024 and submits that the same is without any justification.

7. This matter was taken up for consideration on 09.08.2024 and the respondent was directed to file its reply.

8. When the matter was heard on 03.09.2024, the Court passed the directions for a meeting to be conducted, enabling the parties to narrow down the controversy involved in the instant writ petition.

9. When the matter is called out today, learned counsel appearing for the respondent, while placing reliance on the counter affidavit dated 05.09.2024, primarily submits that there appears to be communication in terms of the letter dated 29.07.2024 *via* HCC and accordingly, the petitioner is required to submit a fresh case with reference to the report submitted by them. It is seen that neither the respondent has enabled the petitioner to have the benefit of perusing the letter dated 29.07.2024 nor such a communication has been brought on record. The fact remains that the earlier permission dated 11.09.2023 has not been revoked till date. So long as the same is done, the respondent ought not to have stopped the work in question abruptly.

10. The Court, therefore, is unable to understand as to how once the permission is granted to the petitioner to carry out necessary repairing/renovation, the same can be suddenly stopped. It be noted that the directions of the Court *vide* order dated 10.05.2024 specifically records that the repairing/renovation work has to be done in accordance with the earlier letter dated 11.09.2023.

11. The petitioner has taken an unequivocal stand that the repairing/renovation is being carried out strictly in accordance with the said



letter. Therefore, the Court finds that the impugned action of the respondent regarding stoppage of the work in question does not have any basis and is unsustainable. The respondent, however, shall be at liberty to ensure the adherence to the earlier permission which was granted and the conditions stipulated therein.

12. With the aforesaid clarification, the order dated 31.07.2024 regarding stoppage of the work stands modified.

13. Let the petitioner to carry out the necessary repairing/renovation work strictly in terms of the earlier permissions granted so long as the same is not withdrawn.

14. Since the work was stopped on 31.07.2024 and remains interrupted today, the petitioner, therefore, is entitled for extension of the period already granted i.e., 36 days.

15. The petition stands disposed of alongwith pending application.

SEPTEMBER 6, 2024/p

PURUSHAINdra KUMAR KAURAV, J