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

+ **W.P.(C) 15720/2023**

SUNITA YADAV

..... Petitioner

Through: Mr. Rinny Abraham, Mr. Rahul Yadav, Mr. Neelaksh Sharma and Mr. Rashid N. Azam, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Rachita Garg, Mr. Apoorv Rastogi and Mr. Agam Rajput, Advocates for R-1 and 5.
Ms. Sakshi Popli and Ms Divya Prakash Pande, Advocates for R-2.
Ms. Nidhi Sharma, Advocate for R-3.
Mr. Sharique Hussain, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.04.2024

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1. The Petitioner has approached this Court with the following prayers:

“i. Vacate the sealing memo bearing No.FJ/SDM/(PB)/2019 dated 29.08.2019 issued by Respondent no.1 and counter signed by Respondent no.2 to 4, thereby de-sealing the property bearing no. RZ-T-152, Ground Floor, Khan No. 12/4, T- Block (Plot of Land 500 Sq. yards), Village Nilothi, Nihal Vihar, Nangloi, New Delhi-110041;

ii. Direct the Respondent No.4 to restore the electricity meter having CA No.152558576 and/or



provide/restore electric supply/connection in the premise i.e. property bearing RZ-T-152, Ground Floor, Khasra No. 1214, T-Block (Plot of Land 500 sq.yds.), Village Nilothi, Nihal Vihar, Nangloi, New Delhi-110041, if the same had been disconnected by the Respondents;

iii. award cost of the petition in favour of the Petitioner; and

iv. Pass such other or further order(s) and/or give any other direction(s), writ, declaration as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case as well as in the interest of Justice."

2. Learned Counsel appearing for the Petitioner places reliance upon three Judgments passed by this Court being Judgment dated 08.03.2021 passed in **W.P.(C) 3012/2021** in the case of "Raj Mukesh vs. SDM, Kanjhawala, GNCTD and Ors", Judgment dated 17.02.2022 in **W.P.(C) 2985/2022** in case of "Mahipal Singh Yadav vs. Govt. of NCT of Delhi and Anr.", and Judgment dated 17.02.2022 in **W.P.(C) 3015/2022** in case of "Mahipal Singh Yadav vs. Govt. of NCT of Delhi and Anr".

3. This Court disposed of the W.P.(C) 3012/2021 with the following directions:

"6. Considering the overall facts and circumstances of this case, the following directions are issued:

i. The representatives of DPCC, along with representatives of SDM shall visit the premises of the Petitioner on 22nd March, 2021 for inspection. They shall inform the Petitioner on his mobile no. 9211132129 as to the time that they



would be visiting.

ii. At the said time, the premises shall be de-sealed and after taking photographs and samples of any materials that may have been stored there, the tenant would be permitted to remove all his material, so that the Petitioner can make lawful use of his premises. If the tenant is not available, then the Petitioner may, under intimation to the tenant, either store the material in some other location or dispose it of, subject to maintaining accounts of sale.

iii. Insofar as the notice imposing the penalty is concerned, the DPCC shall hear the Petitioner and pass a speaking order.”

4. In the present case, the Petitioner has not received any notice of penalty.
5. In view of the order passed by this Court in W.P.(C) 3012/2021, the Respondents are directed to de-seal the premises in question forthwith.
6. Learned Counsel appearing for Respondent No.2/DPCC states that the petitioner was called for hearing on 28.03.2024 but she did not appear. The Petitioner is directed to appear before the Respondent No.2/DPCC on 10.04.2024 at 04:00 PM for further proceedings.
7. Since this Court has Ordered de-sealing of the premises in question, it is needless to state that the electricity connection should be restored in the premises. However, as recorded earlier, the restoration of the electricity connection shall be subject to the final outcome of the decision taken by the Respondent No.2/DPCC.
8. The writ petition is disposed of, along with pending application(s), if



any. Needless to state that it is always open for the Respondents to take steps in accordance with law.

SUBRAMONIUM PRASAD, J

APRIL 3, 2024

S. Zakir