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

+ W.P.(C) 14836/2024 & CM APPLs. 62334-35/2024
SHWETA SHARMA AGRAWALPetitioner
Through: Mr. Shreshth Jain, Advocate.

versus

MUNICIPAL CORPORATION OF DELHIRespondent
Through: Mr. Aditya Vaibhav, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
22.10.2024

1. The petitioner, who is an architect by profession, has approached this Court, under Article 226 of the Constitution, against an order dated 30.05.2024, by which the Municipal Corporation of Delhi ["MCD"] has debarred her *"from signing/submission of building plan applications, application for regulation of properties, completion certificate applications as well as layout plan applications with the MCD for a period of one year"*.

2. The genesis of the impugned order lies in an application made by one Mr. Mangal Sain [hereinafter, "the owner"], with regard to a construction on his property. The building plans were submitted by the owner, showing the name of the petitioner as the architect, and were sanctioned by the petitioner in terms of a circular of the MCD dated 15.10.2019.



3. It is the case of MCD that the plans were sanctioned despite several violations and discrepancies, as a result of which MCD proposed action for revocation of the plan, as well as for debarment of the petitioner. The MCD addressed a show cause notice to both, the owner and the petitioner, on 02.08.2023, to which the petitioner replied on 26.08.2023. It appears that hearings were thereafter fixed on 24.11.2023 and 19.04.2024. At the hearing held on 24.11.2023, the owner and the petitioner requested an opportunity to rectify the shortcomings in the building plan by applying for a revised plan. The revised plan was submitted, but was rejected by MCD.

4. In the meanwhile, the owner engaged a different architect, and the new architect made the necessary request to MCD for change of professional, in respect of the sanctioned plan. Having regard to this fact, the petitioner did not attend the hearing on 19.04.2024, as a result of which the impugned order was passed against her.

5. Having heard learned counsel for the parties, I am of the view that the appropriate course would be for MCD to offer the petitioner a post-decisional hearing, so that her submissions can also be considered. Although the hearing notice dated 10.04.2024 referred to the show cause notice dated 02.08.2023, which in turn, contemplated action to be taken against the petitioner also, the petitioner's case is that she was misguided by the fact that MCD had accepted a request for change of architect in the matter. The matter concerns the petitioner's ability to practice her profession, and grant of a hearing as contemplated by MCD itself would therefore be appropriate.

6. For the aforesaid reasons, the petition is disposed of with the



direction that the petitioner may appear before the Additional Commissioner (Engineering), MCD at a date and time to be communicated to the petitioner through her counsel. The MCD will fix the hearing within the next two weeks, and will give the petitioner notice of three days for attending the hearing. At the hearing, the petitioner may also bring any further documents, which she wishes to submit in connection with her representation.

7. MCD is directed thereafter to pass an order within two weeks, either confirming or withdrawing the impugned order dated 30.05.2023.

8. The petition, alongwith pending applications, is disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 22, 2024

“Bhupi”/