



2024:DHC:10084-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 24.12.2024

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CONT.APP.(C) 26/2024

CHANDER KANTA

.....Appellant

Through: Mr.Virendra Singh, Adv.

versus

GYANESH BHARTI COMMISSIONER MCD AND ORS.

.....Respondents

Through: Mr.Tushar Sannu & Mr.Shivraj
Singh Tomar, Advs. for R-1 &
R-2.

Mr.Aditya Raj & Mr.Pratham
Diwakar, Advs. for Usha Rani.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 76214/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CONT.APP.(C) 26/2024 & CM APPL. 76215/2024

2. This appeal has been filed by the appellant, challenging the Order dated 09.09.2024 passed by the learned Single Judge of this Court, in Cont. Cas(C) 804/2024, titled *Smt. Chander Kanta v. Municipal Corporation of Delhi & Ors.*, whereby the contempt petition filed by the appellant herein has been disposed of with the following direction:-



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“12. Hence, the present application moved by the applicant is hereby allowed. She shall be at liberty to demolish the entire existing structure construction and thereafter apply for fresh sanction or building plan for construction in accordance with law. This shall be without prejudice to the rights and contentions of the parties in the pending civil suit.”

3. The appellant also challenges the order dated 11.11.2024 passed by the learned Single Judge of this Court in CM Appl. 65678/2024, an application filed by the appellant seeking modification of the order dated 09.09.2024, disposing of the said application as not pressed, while observing as under:-

“4. This Court is of the considered opinion that there is no requirement of giving any further clarification or modification as the observations contained in para 12 are already of wide amplitude. The above said observation takes care of the grievance raised by the petitioner herein as it goes without saying that as and when the applicant Usha Rani applies for any fresh sanction or building plan for construction in accordance with law, the concerned civic agency would always consider her locus as well.

5. In view of the above, learned counsel for the petitioner does not press his application. The application is disposed of accordingly.

6. It is, however, clarified that this court has not made any observation either way and it will be upto the concerned civic agency to consider the above said aspect and to proceed further in accordance with law.”

4. By the said orders, there is no finding of contempt nor has the appellant been punished thereby. In fact, the appellant was the petitioner in the Contempt Petition. Therefore, in terms of the



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Judgments of the Supreme Court in *Ajay Kumar Bhalla and Ors. v. Prakash Kumar Dixit*, 2024 SCC OnLine SC 1874; *Deepak Kumar and Anr. v. Devina Tewari and Ors.*, 2024 SCC OnLine SC 3583; and of the Co-ordinate Bench of this Court in *Mr.Ashwin Narendra Lodha v. The State Trading Corporation of India Ltd. Through Manager & Anr.*, 2024:DHC:1561-DB, the present appeal would not be maintainable.

5. The appeal and the pending application are, accordingly, disposed of as not maintainable, reserving liberty of the appellant to avail of his remedies in accordance with law.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 24, 2024/rv/DG

[Click here to check corrigendum, if any](#)