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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6943/2015

M/S IDEA ESTATES PVT. LTD.

.....Petitioner

Through: Mr. Naveen Sharma and Mr. S.K. Sharma, Advs.

versus

NDMC & ORS

.....Respondents

Through: Ms.Puja Kalra, Adv. for NDMC

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

22.07.2024

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W.P.(C) 6943/2015 & CM APPL 40902/2024

1. The Court takes note of the order dated 10.07.2024 passed by the Judicial Committee, which reads as under:-

1. *A preliminary objection to the maintainability of the present appeal has been raised by learned Senior Counsel for NDMC by relying upon proceedings for the appellant submits that the cause of action to file the aforesaid proceedings pending- before the Hon'ble High Court of Delhi pursuant to W.P.(C) No. 6943/2015 filed by the appellant.*
2. *Learned Senior Counsel writ petition was the aid sought by NDMC for police protection. To give effect to the executive action to seal the First Floor and above of premises bearing Municipal No. 22A, Janpath, New Delhi. Learned Senior Counsel submits that it is pleaded in the writ petition that a show cause notice was issued to the appellant on 22.9.2014 as to why the second and Barsati floor be not sealed and a reply thereto was filed and without passing a final order, the . second floor and the Barsati floor were under threat of being sealed.*
3. *Since this Committee has been constituted with exclusive jurisdiction, to deal with matters of sealing where the sealing orders have been either passed under directions of the Monitoring Committee constituted by the Hon'ble- Supreme*



Court of India or bear the imprimatur of the Monitoring Committee, learned Senior Counsel for the appellant states that the appellant shall withdraw the writ petition subject to the NDMC not giving effect to the impugned order dated 2. 9. 2019 which under pain of not. depositing INR 3,01,72,190.00 threatens scaling of the property and is premised on the Property being misused.

- 4. The communities notes that the Hone. High 'Court of Delhi has granted an interim order in favor of the appellant restraining NDMC from sealing the subject : property and We are order continues to me in force as on A-19 date.*
- 5. Hearing in the appeal is deferred, The appellant shall file an application seeking withdrawal of the writ petition filed by it so that the appellant can pursue the remedy here. The appellant i is also entitled to seek an order from the Hon'ble High Court. extending the interim |stay granted till this Committee decides the appeal.*
- 6. Renotify for 23. 7. 2024."*

2. Having considered the background rightly captured by the Judicial Committee and on perusal of the averments in the application, the Court deems it appropriate to allow the petitioner to withdraw the instant petition, reserving all rights and contentions to be raised before the Judicial Committee. Ordered accordingly.

3. It be also noted that the interim order dated 22.07.2015 remained in operation for more than 9 years, and there seems to be no reason to discontinue the same so long as the matter is finally concluded by the Judicial Committee. Hence, the order dated 22.07.2015 is directed to remain in force till the final decision to be taken by the Judicial Committee.

4. The date already fixed i.e. 07th October, 2024 stands cancelled.

5. *Dasti.*

PURUSHAINDRA KUMAR KAURAV, J

JULY 22, 2024

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