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

+ W.P.(C) 645/2022 and CM APPL. 1855/2022 and 5523/2023

DOMINOS PIZZA (JUBILANT FOODWORKS LTD)
(YAMUNA VIHAR)

.....Petitioner

Through: Mr. M.A. Niyazi, Ms. Anamika Ghai,
Ms. Kirti Bhardwaj, Ms. Nehmat Sethi and
Mr.Arquam Ali, Advocates.

versus

EAST DELHI MUNICIPAL CORPORATION
& ORS.

.....Respondents

Through: Mr. Tushar Sannu, Standing Counsel
with Mr. Harsh Yadav, Advocate for Respondent
No.1.

Mr. Kanav Vir Singh, Senior Panel Counsel with
Inspector Mointal Pal, for Respondent No.3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

28.01.2025

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1. This writ petition is preferred on behalf of Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“(a) Call for the records of the case, allow the present writ petition and issue appropriate writ, order or direction in the nature of writ of mandamus directing the Respondent No.1 to renew the health license of the petitioner for restaurant Domino's Pizza at C- 4/73-A, Ground Floor, Main Wazirabad Road, Yamuna Vihar, Delhi-11 0053.

(b) And for issuance of appropriate writ or order or direction in the nature writ of certiorari thereby quashing letter dated 09-04-2019 issued by Delhi Fire Service (Respondent No.2) and letter dated 14-06-2019 issued by Excise Department (Respondent No.4).

(c) And for issuance of writ of mandamus directing the other Respondent No.3 to renew police registration/clearance for eating house to the petitioner restaurant upon renewal of Health License by Respondent No.1 EDMC without insisting for fire NOC being non-assembly building.”

2. When this writ petition was listed for admission on 11.01.2022, Court



had directed the MCD not to take any coercive action against the Petitioner and the interim order continues till date.

3. Mr. Niyazi, learned counsel for the Petitioner submits that the restaurant in respect of which Health License was sought is being run on premises being Ground Floor, 73A, Block C-4, Yamuna Vihar, New Delhi, ad measuring 1486 sq.ft. area which was taken on lease by a registered Lease Deed dated 25.04.2017. Petitioner has given a three months' notice dated 15.01.2025 to the landlord of the premises terminating the lease and will hand over the peaceful and vacant possession to the landlord on or before 15.04.2025 and thus a direction be issued to MCD not to take any coercive action against the Petitioner till then. Copy of the notice is handed over in the course of hearing and is taken on record.

4. In light of the submission made on behalf of the Petitioner, it is directed that the Petitioner shall file an affidavit within three weeks from today undertaking that vacant possession of the subject premises shall be handed over to the landlord on or before 15.04.2025. Subject to the undertaking being filed, no coercive action will be taken by NDMC against the Petitioner till 15.04.2025. Needless to state copy of the affidavit and proof of filing shall be furnished to the counsel for MCD and in case, the undertaking is not given within the stipulated time, MCD will be at liberty to file an application before this Court for necessary direction.

5. Writ petition along with pending applications is disposed of in the aforesaid terms.

JYOTI SINGH, J

JANUARY 28, 2025

B.S. Rohella/shivam