



2025:DHC:9775



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 07th November, 2025**+ **W.P.(C) 3256/2025****SARVAN KUMR SINGH**

.....Petitioner

Through: **Mr. A.K. Mishra, Adv. with Mr. Arpeet Mishra and Ms. Alphy Thomas, Advs.**

versus

**MUNICIPAL CORPORATION OF DELHI AND
ORS.**

.....Respondents

Through: **Mr. Sunil Prasad, Adv. for R-5 & 6
Mr. Sumit K. Batra, Adv. R-3 & 4
Mr. Kapil Dutta, Adv. for MCD
(Through VC)****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed seeking directions to the respondent nos. 1 and 2, to take action against the Banquet Hall, i.e., *Dayal Singh Garden, located at Prakaan No. 231, Jaitpur Village, New Delhi-110044.*
2. Pursuant to directions of this Court, a Status Report dated 07th April, 2025 has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:

"xxx xxx xxx

Delhi High Court
Sgt. No. 21418
Expiry Date
15/03/2025

that cause of litigation on the part of petitioner pertains to social functions, which are held at Dayal Singh Garden situated at Prakaan No. 231, Jaitpur Village, New Delhi-10044 causing

DVT. OF P.D.



traffic jam and noise pollution due to diesel generators used during functions.

5. That it is most respectfully submitted that Delhi is witnessing a severe scarcity of legal spaces to enable the lower middle class to hold marriage & other functions especially in villages, unauthorized regularized and special areas. The numbers of community halls are inadequate to cater the need of lower middle class. Further, majority of the community halls are located at plotted development. In an effort to address this issue, Corporation vide decision No. 31 dated 07/10/2022 approved a policy for holding marriage and social functions in village (rural / Urban)/ Unauthorized Regularized colony and Special Area (except in Motels/ Hotels and Farmhouse). MCD vide circular No. D-55/CE(B) HQ/2022 dated 28/10/2022 had issued guidelines / standard operating procedure to implement the policy. Copy of said policy is annexed herewith as **Annexure-A**. In the said policy minimum size of the premises and minimum ROW is defined for all categories of colonies along with registration and permission fee to be deposited with MCD. As per policy, it is responsible of owner to ensure proper parking and also to deploy sufficient guards for regulating the parking and if necessary may also provide valet parking. The policy further provides that NOC from DPCC(if applicable) shall be obtained by the applicant before holding the social function.



The subject premise (**Dayal Singh Garden**) consists of single story temporary structure and huge open area. As per record, premise fulfils the laid down parameters in terms of minimum

size of plot and ROW. The premise is also registered under the aforesaid policy. The permission charges also found deposited. Photograph showing the given status of subject property is annexed herewith as **Annexure-B**.

,,



3. Perusal of the aforesaid Status Report shows that it is the policy of the MCD to allow the banqueting functions from the area in question. The MCD, along with the said Status Report, has also attached its Circular with regard to policy of holding marriage and social functions in villages (rural/urban areas). The said circular dated 08th October, 2022, reads as under:

SIGNATURE - 11

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE ADDITIONAL COMMISSIONER (ENGG.)
5TH FLOOR, DR. SHYAMA PRASAD MUKHERJEE CIVIC CENTRE
JAWAHAR LAL NEHRU MARG
NEW DELHI-110002

No: 0-35/CECB/MD/2022 Dated: 08/10/22

CIRCULAR

Sub: Policy for Registration and Collection of permission charges for holding Marriage & Social Functions in Village (Rural/Urban), Unauthorized/ Unauthorized Regularized Colony and Special Area (except in Motels/ Hotels and Farm-Houses) in the jurisdiction of the MCD.

The corporation vide decision No. 131 dated 07.10.2022 has approved the Policy for Registration and Collection of permission charges for holding Marriage & Social Functions in Village (Rural/Urban), Unauthorized/ Unauthorized Regularized Colony and Special Area (except in Motels/ Hotels and Farm-Houses) in the jurisdiction of the MCD is circulated for compliance by all concerned as under:

A) DEFINITIONS:-

Under this policy, the definitions of certain terms will be as under:-

- i) **Social Functions:** Public gathering, social/community function, marriage etc.
- ii) **Applicant:** Means the owner/owner/tenant of the premises.
- iii) **Existing Use Premises:**
 - i) Use Premise covered under provision of *The National Capital Territory Of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021*, the use premises existing prior to 1st June 2014 in Un-Authorized Colony, Village (Rural/Urban).
 - ii) Use premise covered under provision of *The National Capital Territory Of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021*, the use premise existing prior to 01 February 2007 in Un-Authorized Regularized Colony, Special Area and in respect of all other areas within the National Capital Territory of Delhi.
- iv) **Social Function Venues:** means the premises to hold social functions as mentioned above. (Minimum Plot Size 200 Sq mt.)
- v) **Competent Authority/Authority for grant of permission:** Deputy Commissioner of the Zone or any other officer authorized by the Commissioner, MCD.
- vi) **Other definitions** shall be in accordance with the relevant Acts, Delhi Master Plan, Unified Building Bye-Laws, etc.

B) APPLICABILITY & CONDITIONS FOR HOLDING SOCIAL FUNCTIONS: To hold the social functions inside/outside the building in open area within the premises or open Plot, the applicability and conditions in the areas mentioned above, are as under:

Page 1 of 2



i) Minimum R.O.W. (Right of Way):

In A & B Colonies: 18.00m R.O.W. on the parity of Regular Plotted Development.

In C & D colonies: 18.00m R.O.W. on the parity of Regular Plotted Development, 13.50m R.O.W. in rehabilitation colonies and 9.00m R.O.W. in regularized- unauthorized colonies, resettlement colonies, Walled City, Special Area and urban/rural villages.

In E,F,G&H Colonies: 13.5m R.O.W. Regular Plotted Development, 9.00m R.O.W. in rehabilitation colonies, Walled City, regularized-unauthorized colonies, Resettlement colonies, Special areas, urban/rural villages and unauthorized colonies

ii) The Social Function shall be permissible on the ground floor and upper floors of the property subject to the condition that the structure safety shall be the responsibility of the owner.

iii) The existing use premise having protection up to 31/12/2023 under the provisions of *The National Capital Territory Of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021*, and thereafter as per modification/amendment, if any, in *The National Capital Territory Of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021* shall only be eligible for registration and permission under this policy.

iv) It shall be the responsibility of the Applicant to ensure adequate provision of sanitation facilities and for hygienic disposal of the waste generated in the Social Function premises, so that no inconvenience or hardship is caused to the neighbourhood on any account.

v) Provision of parking during the events shall be the owner's responsibility, which he may ensure before holding the function. The owner will also deploy sufficient guards for regulating the parking and may also provide valet parking.

vi) License from Health Department of MCD and DPOC (if applicable) shall be obtained by the Applicant before holding the social function.

vii) The permission for the above shall be granted, subject to availability of the number of toilets for male, female and disabled persons as per the applicable Building Bye-Laws.

viii) All the measures required for ensuring structural safety shall be the responsibility of the owner.

c) **Registration:** The desirous Applicant fulfilling all the eligibility/conditions shall first to get registered with MCD by filling up the prescribed registration form, along with documents relating to ownership like sale deed/lease deed/sub-lease deed agreement and paying Rs.5000/- towards one-time registration fee. The Registration under this policy shall not give any right of permanent change of land use or regularization, and the same shall always be in accordance with the regulations and policies made by the Delhi Development Authority/Government.



D) **Application:** The Application form shall be filled up for getting permission to hold social functions.

E) **Annual Charges:**

i) **For Temporary Structure:**

The annual charges for holding social functions will be as per the rates mentioned in the table below. The annual charges shall be paid in two equal instalments (half-yearly). The first instalment shall be payable up to 10th January, and the second instalment shall be payable up to 10th July of every year. In case of delay in such payment, the Applicant shall have to pay a penalty @ Rs.5,000/- per day for a maximum of 15 days. After that, the permission shall be treated as withdrawn. If the Applicant deposits annual charges in a single stroke, the Applicant shall be entitled to a rebate of one-month charges, as per the below table: -

a)	For plot area 200 Sqm. (Min. plot size) up to 400 sqm.	Rs.4,000/- per Month
b)	For plot area above 400 up to 1000 Sqm.	Rs.6,000/- per Month
c)	For Plot area above 1000 up to 5000 Sqm.	Rs.12,000/- per Month
d)	For Plot area above 5000 Up to 10000 Sqm.	Rs.27,000/- per Month
e)	For Plot area more than 10000 Sqm.	Rs.50,000/- per Month

ii) **For Pucca / Permanent Structure:**

- a) The structure constructed up to Ground Floor only; the charges shall be the same as the table above.
- b) The structure constructed above Ground Floor and used for holding functions, an additional charge for each subsequent upper Floor shall be @ 25% of the above table rates.

(e.g. (1) for 1st Floor – 1.25 times of above table, (2) for 2nd Floor – 1.50 times of above table and so on.)

- iii) The charges for holding functions shall be enhanced every year @ 10% per annum. Besides, the revision of rates will be within the absolute discretion of the MCD.

F) **Procedure to be Adopted:** The Applicant shall apply for permission to hold social function to the office of Ex. Engineer (Bldg.) of the concerned Zone. The Applicant shall be responsible for getting the necessary N.O.C. from all concerned N.O.C. agencies before holding the function (Delhi Fire Services Department, Delhi Traffic Police, Delhi Pollution Control Committee, Health Department-MCD, etc., whichever applicable).

G) **Punitive Action in Case of Violations of Terms & Conditions of Permission (Annexure-I, II & III):**

- i) For the first time offence, Imposition of a penalty equal to permission charges for a month in addition to permission charges.
- ii) For the second time offence, the Imposition of a penalty double to permission charges for a month in addition to permission charges.



- iii) For the third offence / consecutive offences, a penalty of 10 (Ten) times of permission charges for a month. If the penalty is not deposited, the property will be debarred for two years for not holding any social function.

H) Penalty for holding Functions without permission :

If any property is found to carry out the social function without prior permission, a penalty @ 10 (Ten) times of a month charge (as mentioned in above table) will be charged.

I) N.O.C.s:

All applicable N.O.C.s like Fire, Delhi Traffic Police, Health Department (MCD), etc., is the Applicant's responsibility and the same are to be obtained by the Applicant itself before holding the social function.

J) Safety & Responsibility:

- i) The Owner / Applicant must ensure the fire safety norms prescribed by the Chief Fire Officer-GNCTD and take necessary approval from D.F.S. if required by the Law. MCD has no responsibility for any fire accident or otherwise due to slackness, carelessness, or owner/applicant's negligence.
- ii) The Owner / Applicant shall comply with all applicable statutes, rules, regulations of Central, State government / MCD and all applicable rules and regulations.

4. Attention of this Court has also been drawn to the photographs, attached with the Status Report of the MCD.

5. Learned counsel appearing for the MCD confirms that the activity of banqueting, as being carried out by respondent nos. 5 and 6, is in terms of the permission granted by the MCD, pursuant to the aforesaid policy.

6. Accordingly, considering the submissions made before this Court, it is apparent that the banqueting activities, being carried out by respondent nos. 5 and 6, are in accordance with the policy of the MCD.

7. However, it is directed that respondent nos. 5 and 6 shall ensure that they shall scrupulously follow and comply with all the requirements in terms of the policy of MCD, including, obtaining a No Objection Certificate ("NOC") from the Delhi Fire Services Department, as well as from the Delhi Pollution Control Committee ("DPCC") and ensuring that parking is done



2025:DHC:9775



properly at the time of holding any marriage or social functions.

8. The MCD shall ensure that its policy, with regard to holding of social and marriage functions in rural/urban villages, is followed properly by the respondent nos. 5 and 6.

9. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

NOVEMBER 7, 2025/KR