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

+ **W.P.(C) 4202/2021, CM APPL. 12765/2021 & CM APPL. 44032/2024**

ARVINDER KAUR BEDI AND ANR.

.....Petitioners

Through: Ms. Shobhana Takiar, Mr. Kuljeet Singh, Advocates (M:9810962950)

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Mr. Sriharsha Peechara, SC-NDMC with Ms. Kriti Sinha, Mr. Akshat Kulshreshtha, Mr. D.S. Bhanu, Advocates (M:9953517065)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.03.2025

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1. The present writ petition has been filed *inter-alia* to set aside the Cancellation Order dated 28th July, 2020, and to regularize and renew the Licence Deed of the petitioners in terms of the order dated 18th July, 2017, in *W.P.(C) 1192/2017* and order dated 24th April, 2018, in *W.P.(C) 1010/2018*, in consonance with the policy/circular dated 16th August, 2016, on licences of New Delhi Municipal Corporation ("NDMC") shops, kiosks, pan tharas and others.

2. It is the case of the learned counsel for the petitioners that the shop no. 36 in Gole Market was transferred and regularized by the respondent in the name of petitioner no. 1, for the trade of poultry and meat product, *w.e.f.*, 17th November, 1998, to 31st March, 2013.

3. Subsequently, shop no. 37 was transferred and regularized by the



respondent in the name of petitioner no. 2, for carrying out the trade of sale and slaughtering of chicken, fish and mutton, *w.e.f.*, 10th December, 1998, to 31st March, 2012.

4. On 08th July, 2012 and 06th June, 2012, petitioner nos. 1 and 2 respectively applied for renewal of licence. Subsequently, on 06th August, 2014, an inspection was carried out by the NDMC and certain violations were observed.

5. Pursuant thereto, Show Cause Notice was issued to the petitioners and shops of the petitioners were sealed on 17th June, 2015.

6. Thereafter, there were multiple rounds of litigation, and subsequently, *vide* the impugned order dated 28th July, 2020, the request of the petitioners for renewal of licences for shop nos. 36 and 37, Gole Market, was rejected.

7. This Court notes that *vide* order dated 23rd January, 2025, this Court had passed the directions, as follows:

“1. Mr. Sriharsha Peechara, learned Standing Counsel appearing on behalf of NDMC submits that as per paragraph 18 of impugned order dated 28.07.2020 three deviations were noticed in the shops in question which according to him have still not been rectified and insofar as licenses of the two shops bearing Shop Nos. 36 and 37, Gole Market, New Delhi are concerned, they had expired by efflux of time and were not renewed for this reason. Ms. Shobhana Takiar, on the other hand, refutes this submission.

2. In my view, before proceeding to adjudicate the issues raised in this writ petition on merits, it would be appropriate if a joint inspection is carried out by the Petitioners and concerned officials of NDMC so that the exact status of the deviations, if any, in the shops is known. With the consent of the parties, a joint inspection will be carried out on 27.01.2025 at 03:00 P.M. on the site and Petitioners will render full cooperation and facilitate the inspection. Inspection report will be brought to Court in a sealed envelope by the concerned official on the next date.

3. List on 21.02.2025.”



8. Perusal of the order shows that since it was submitted on behalf of the NDMC that deviations were noticed in the shops in question, joint inspection was directed to be carried out.

9. Learned counsel for NDMC has handed over copy of the Joint Inspection Report, as per which, there are deviations existing in the shops in question, in the following manner:

- I. Hole in ceiling due to removal of staircase.
- II. Unfinished wall due to removal of loft.
- III. Unfinished parapet wall.

10. Learned counsel for the petitioners submits on instructions, that the petitioners are ready and agreeable to carry out the requisite repair work in the said shops. She submits that the requisite repair work shall be carried out within a period of two weeks from today.

11. Accordingly, it is directed that, upon repair work being carried out by the petitioners, in terms of what has been pointed out by the NDMC in the Joint Inspection Report, the same shall be inspected by NDMC. After carrying out the requisite repair work, the petitioners shall intimate the same to the Director, Estate Department, NDMC. Upon receipt of intimation from the petitioners, with regard to having carried out the repairs in their shops, the respondent-NDMC shall, within a period of 10 days of receipt of the intimation, carryout the inspection of the shops in question.

12. Upon the satisfaction by the NDMC, with respect to the repair work having been carried out by the petitioners, the respondent-NDMC shall proceed to process the application of the petitioners for renewal of the licences, subject to the petitioners fulfilling all the requisite formalities as pointed out by the respondent-NDMC. Thereafter, the respondent-NDMC



shall renew the licenses of the petitioners, as per its policy, for the shops in question.

13. Accordingly, the impugned order dated 28th July, 2020, issued by Estate Department-I, NDMC, stands set aside.

14. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

MARCH 28, 2025

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