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

\+ W.P.(C) 5011/2020 & CM APPL. 18042/2020

MRS. SANTOSH SINGH .....Petitioner

Through: Mr. Abhisehk Aggarwal, Adv. (Through VC)

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. .....Respondents

Through: Mr. Yoginder Handoo, Mr. Ashwin Kataria and Mr. Garvit Solanki, Advs. for R-1(Through VC)
Ms. Meenakshi Midha, Adv. (Through VC)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 20.05.2025

1. The present writ petition has been filed by the petitioner seeking directions to respondent no.1/New Delhi Municipal Council of Delhi ("NDMC") to not take any action against the petitioner without issuing the requisite notice.

2. There is a further prayer for quashing of the letter dated 06th July, 2020 issued by respondent no.1, thereby, rejecting the request of the petitioner for grant of Health Trade License for operating a Beauty Salon.

3. The petitioner has been operating a Beauty Salon by the name of *M/s Vogue at Vivanta by Taj Ambassador Hotel at Sujan Singh Park, New Delhi-110003*, for the last forty years, based on the License Agreement executed by respondent no. 2, i.e., "United Hotels Limited".

4. The petitioner was informed that besides a license by the hotel, the petitioner was also required to obtain a Health Trade License from the NDMC.

5. Accordingly, respondent no.2 itself had applied for license on behalf of the petitioner *vide* letter dated 10th August, 2017. Subsequently, the petitioner also made various representations before the NDMC. However, no response was received from the NDMC.

6. Subsequently, *vide* the impugned letter dated 06th July, 2020, the NDMC rejected the application of the petitioner for grant of Health Trade License, on the ground that all the documents had not been supplied by the petitioner, i.e., the sanctioned plan of the hotel, as well as property tax receipts. Thus, the present writ petition came to be filed.

7. Having heard learned counsels for the parties, this Court notes that the essential grievance of the petitioner is that the application of the petitioner for grant of license for operating Beauty Salon from Vivanta by Taj Ambassador Hotel, has been rejected only on the ground that the petitioner has been unable to submit the sanctioned plan of the hotel and the property tax receipts.

8. This Court notes that there is a Health Trade License issued by the NDMC in favour of the respondent no. 2/hotel itself. Thus, when the respondent no.1/NDMC has issued Health Trade License to the respondent no. 2/hotel itself, it is evident that the requisite documents pertaining to the sanctioned building plan of the hotel as well as the various property tax receipts of the property tax deposited by the hotel, would be in possession of the respondent no.1-NDMC.

9. Thus, this Court is of the view that the respondent no.1/NDMC, is not

justified in rejecting the application of the petitioner only on the basis of non-submission of the sanction plan.

10. This Court further notes that as far as the receipts of the property tax is concerned, the petitioner is only a licensee of the hotel. Thus, if there is any deficiency in payment of property tax by the hotel, the NDMC would be at liberty to take appropriate action against the hotel for non-payment of property tax and the same would be the subject matter of separate proceedings.

11. Thus, if Health Trade License is issued by the NDMC in favour of the petitioner, the same would, in no manner, hinder any action that the NDMC may take against the hotel for non-payment of property tax.

12. Considering the aforesaid, it is directed that the respondent no.1-NDMC shall issue a Heath Trade License in favour of the petitioner. However, it is clarified that issuance of a Health Trade License in favour of the petitioner, would not hinder the respondent no. 1/NDMC from initiating any proceedings, which the NDMC is advised to, in order to take against the hotel for recovery of the property tax.

13. Accordingly, it is directed that Health Trade License shall be issued in favour of the petitioner by the NDMC, subject to fulfilling of the various formalities of the NDMC. However, at the time of issuance of the Health Trade License, the respondent no.1/NDMC shall neither insist on the deposit of the sanctioned plan of the hotel nor the property tax receipts, with regard to payment of property tax by the hotel.

14. It is clarified that the present directions have been issued in accordance with the peculiar facts and circumstances of the present case.

15. Accordingly, in view of the aforesaid directions, the present writ

petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

MAY 20, 2025/kr