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

+ W.P.(C) 8145/2023 & CM APPL. 31282/2023, CM APPL. 26081/2025

NITIN AHUJA

.....Petitioner

Through: Mr. M.A. Niyazi, Ms. Anamika Ghai
Niyazi, Ms. Kirti Bhardwaj, Ms.
Nehmat Sethi and Mr. Adnan Nakash,
Adv.
Mob: 9569156376
Email: niyazi786@gmail.com

versus

NDMC

.....Respondent

Through: Mr. Vikas Chopra, SC for MCD with
Mr. Neeraj Kumar and Ms Khushi,
Adv. for MCD
Mob: 9212036118
Email: chopra.company4@gmail.com
Mr. Tushar Sannu, ASC for NDMC
with Mr. Parvin Bansal, Adv.
Mob: 9911991136
Email: adv.tusharsannu@gmail.com
Mr. Sonal Anand, Adv, for
R2/DSIIDC

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

11.11.2025

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1. The present writ petition has been filed seeking quashing of the Sealing Order dated 04th February, 2019 and sealing of the subject property on 04th February, 2019, without prior Show Cause Notice. The petitioner



further seeks de-sealing of the premises in question, i.e., at *Dargah Sayed Hussain, Mandir Marg, behind Gandhi Sadan Housing Complex, New Delhi-110001*.

2. Vide order dated 17th September, 2025, this Court had noted as follows:

“1. Learned counsel for the petitioner submits that the petitioner has been using the premises only for the finishing products of the furniture, under the head ‘Carpentry’, which is allowed under the Master Plan of Delhi-2021 (“MPD 2021”). The petitioner undertakes that the petitioner shall not misuse the premises and shall use the premises only as per the user which is allowed under the MPD 2021.

2. Learned counsel for the Delhi State Industrial & Infrastructure Development Corp. Ltd. (“DSIIDC”) submits that he has recently been engaged and seeks time to get instructions.

3. At request, re-notify on 15th October, 2025, in Top Ten Matters in the Advance List.”

(Emphasis Supplied)

3. Perusal of the aforesaid order shows that it is the clear stand of the petitioner that the petitioner was using the premises only for the finished products of furniture under the head ‘Carpentry’, which is allowed under the Master Plan of Delhi, 2021 (“MPD 2021”). Further, this Court had noted the submissions of the petitioner that the petitioner shall not misuse the premises and shall use the premises only for the user, which is allowed under the MPD-2021.

4. Vide order dated 15th October, 2025, this Court had noted the submissions made on behalf of the learned counsel for the Delhi State Industrial & Infrastructure Development Corporation (“DSIIDC”), in the following manner:

“1. Pursuant to the last order dated 17th September, 2025, learned counsel appearing for the Delhi State Industrial and Infrastructure



Development (“DSI IDC”) submits that the petitioner is required to give an affidavit and undertaking to the effect that the petitioner shall not carry out any non-conforming activities and that the petitioner shall not carry out any activity qua which an alternative plot already stands allotted to the petitioner.

2. In response, learned counsel appearing for the petitioner submits that he is ready to submit an undertaking with the DSI IDC in terms thereof and further, that the petitioner shall only carry out activities, which are permissible as per the Master Plan for Delhi, 2021 (“MPD-2021”).

3. Accordingly, let the requisite affidavit/undertaking be filed by the petitioner before the DSI IDC as well as the New Delhi Municipal Council (“NDMC”), with advance copy to learned counsels for DSI IDC and NDMC, within a period of ten days, from today.

4. The Court shall pass appropriate orders on the next date of hearing.

5. Re-notify on 11th November, 2025.”

(Emphasis Supplied)

5. Thus, as noted in the order dated 15th October, 2025, the petitioner had undertaken to submit undertaking with the New Delhi Municipal Council (“NDMC”) as well as DSI IDC, that the petitioner shall carry out activities, which are permissible as per the MPD 2021.

6. Today, this Court is informed that the requisite undertaking has already been submitted by the petitioner with the DSI IDC and NDMC. Copies of the said undertaking have also been placed on record.

7. Considering the aforesaid, there is no impediment in passing the order for de-sealing of the premises in question.

8. At this stage, learned counsel for the NDMC submits that the misuse charges shall be leviable upon the petitioner, in terms of the Para 15.9 (v) of MPD 2021 and Notification of the Delhi Development Authority (“DDA”) dated 29th June, 2018.



9. Learned counsel for respondent-NDMC further submits that the NDMC is entitled for receipt of the misuse penalty charges.

10. However, the aforesaid submissions are disputed by learned counsel for the petitioner. He submits that the petitioner has never misused the property and has always carried out the activities in terms of MPD 2021.

11. He further submits that no such issue has been raised by the NDMC, either in their reply before this Court or in the Show Cause Notice issued to the petitioner or during the sealing proceedings.

12. Be that as it may, the aforesaid issue is not before this Court.

13. This Court takes note of the submissions made by learned counsel for the respondent-DSI IDC that in view of the undertaking/affidavit filed by the petitioner, DSI IDC has no objection to the de-sealing of the premises.

14. Considering the submissions made before this Court, it is directed that the premises of the petitioner, as noted above, shall be de-sealed forthwith. Further, the petitioner is enjoined upon to comply with its undertaking and ensure that only activities, which are permissible as per the MPD-2021, shall be carried out by the petitioner.

15. With the aforesaid directions, the present writ petition, along with pending applications, is disposed of.

MINI PUSHKARNA, J

NOVEMBER 11, 2025/au