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

+ W.P.(C) 7976/2025 & CM APPL. 35006/2025

PIYUSH AGGARWAL

.....Petitioner

Through: Mr. Shailesh Tiwari and Mr. Hem
Kumar, Advs. (Through VC)

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Sunil Goel, SC-MCD with Ms.
Dimple Aggarwal, Mr. Himanshu
Goel and Ms. Varsha, Advs. for MCD
Mob: 9810215488
Email: sunilgoel71@gmail.com
Mr. Ashish Sehrawat and Mr. Kapil
Yadav, Advs. for R-3 to 6 (Through
VC)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
27.10.2025

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1. Learned counsel appearing for Municipal Corporation of Delhi ("MCD") draws the attention of this Court to the short reply filed on behalf of the MCD, and submits that new license has already been issued in favour of respondent no. 5, Mr. Sumit Singhal, which is valid up to 13th March, 2028.
2. The short reply filed on behalf of respondent no. 1-MCD, reads as under:



1. That in the garb of the present writ petition, the petitioner is apparently seeking to settle his personal disputes with the private respondents 3-6. The dispute apparently revolves around the property being Building no. 4566 to 4572, Gali No.52, Khasra No. 1243-1244, Block-B, Basti Regarpura, Arya Samaj Road, Karol Bagh, Delhi from where a atta chakki is stated to be running by private respondents nos. 3 to 6. From the annexures of the writ petition, it appears that inter-se disputes are going on between Petitioner's family and family of Respondents 4-6; that Mr. Mahavir Prasad, the father of Respondents 4-6 filed a suit bearing CS No.1689/2022 titled as *Mahavir Prasad Vs MCD* in Tis Hazari court against MCD's notice to vacate the building as building was declared dangerous by MCD; that the MCD's notice was stayed by Tis Hazari court by order dated 4.7.2022 which continues; that on 6.10.2023, the application filed by Piyush Aggarwal (Petitioner herein), his father Om Prakash and brother Prateek Aggarwal under Order 1

Rule 10 CPC was allowed by Tis Hazari court and they became parties in the said suit and were impleaded as Defendants 2,3,4 in the said suit; that they have filed an application under Order 39 Rule 4 CPC for vacation of stay in the said suit, which is pending; that Respondent No.3 herein has also filed an application under Order 1 Rule 10 CPC for becoming party in said suit which is pending; that plaintiff Mahavir Singhal in said suit has expired and is now represented by his LRs viz. Respondents no. 4-6 in the present writ petition. Hence, filing of the present writ petition by the petitioner before this Hon'ble Court when the petitioner is already agitating the similar issues/disputes in the civil suit pending before the Civil Court at Tis Hazari is gross misuse of the process of this Hon'ble Court. No fundamental right of the petitioner has been shown to have been violated. The petitioner, in the given facts and circumstances, has no right to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. Hence, the present writ petition filed under Article 226 of the Constitution of India is not maintainable and deserves to be rejected.

2. On merits, it is submitted that to operate an Atta Chakki (like any other trade, business, shop, etc.), a person needs to obtain Trade Licence/ Factory Trade Licence from MCD. Such a License is applied and obtained online by the concerned party. The issue raised in present writ petition is that atta chakki's license which was originally obtained in the name of Mahavir Prasad has been renewed in his name even after his death. In this regard, it may be noted that the renewal of licence is done by the concerned party at its own end, by applying online and uploading on MCD's portal the DPCC certificate, the copy of old licence and the payment of requisite



municipal fees. In case requisite copies of DPCC and Old Factory License are uploaded by the applicant, the renewal of license is approved online and no physical inspection of premises is involved in renewal process and the system automatically grants / generates the Renewal license within 90 days as per the details filled online by the applicant. Thus, the Renewal Licence in the present case has been generated online on the basis of the information filled in by the applicant. The applicant, at the time of applying online for renewal of licence, never informed that Mahavir Prasad has expired.

3. It may also be seen that appropriate conditions are imposed while granting the licence. In this regard, kindly see the Terms and Conditions attached with the Factory Licence in the present case. The Condition no.15 stipulates that *"The License shall not be allowed to run any trade which is prohibited by any Act/Law/Govt. orders/Directions from any Court of Law/MPD 2021"*. The Condition no.16 stipulates that *"The license is liable to be cancelled if the trade/premise is found to be contrary to provisions of MPD 2021/Delhi Special Provisions Act 2011 (as amended in 2017 and from time to time)"*. Also, in case any recommendation is received from any Government department for any violation or any direction is received from court of law / Govt. order/other department recommendation such as DPCC, the factory trade license can be cancelled at any point of time.
4. It may be pointed out that as per the information provided by the concerned Executive Engineer, M-II, Karol Bagh Zone, MCD through e-mail that an inspection of the building in question was carried out by the officials of Karol Bagh Zone and Notice No.



EE(M)-II/KBZ/2022/371 dated 17.6.2022 under Section 348 of DMC Act and Notice No. EE(M)-II/KBZ/AE(DB)/93/2022/60 dated 21.6.2022 under Section 349 of DMC Act were issued to the owners / occupants of the building to vacate the building. However, MCD's notice was challenged by Mr. Mahavir Prasad (owner /occupier) by filing a civil suit being CS SCJ 1689/2022 in which the Court of Shri Anuj Kumar Singh, ASCJ (Central), Tis Hazari Court vide order dated 04.07.2022 allowed plaintiff's application under Order 39 Rules 1 & 2 CPC and restrained MCD from taking any coercive action in terms of the said notices issued by the MCD. The petitioner herein has become party in the said suit and has filed an application under Order 39 Rule 4 CPC for vacation of stay in the said suit.

xxx xxx xxx”

3. This Court records the statement made by learned counsel appearing for the respondent-MCD that the earlier license in the name of Mahavir Prasad had been renewed inadvertently and rectified license has now been issued on behalf of the MCD, which has been placed on record.
4. The amended license issued in favour of Mr. Sumit Singhal, is reproduced as under:



	Municipal Corporation of Delhi FACTORY LICENSE DEPARTMENT SPM Civic Center, Jawahar Lal Nehru Marg, NEW DELHI - 110002 Factory License फैक्टरी अनुज्ञापित		25
Amendment Licence			
Department विभाग	Factory License	Zone ज़ोन	KAROL BAGH ZONE
License No. लाइसेंस नंबर	NFL3202103918	Non Transferable / अहस्तान्तरणीय, Fee Non Refundable / फीस वापस नहीं होगी	
Date Of Generation जारी करने की तिथि	26-05-2025	Certificate Valid Upto लाइसेंस वैध	31-03-2028
Issued U/S दिल्ली नगर निगम अधिनियम की धारा	416/417	D.M.C. ACT के अंतर्गत जारी किया गया	1957
This license is granted in pursuance to the provisions of section 416/417 of the Delhi Municipal Corporation Act, 1957 as amended from time to time and is valid only for the person and particular trade and particulars specified herein subject to conditions stated here under. यह लाइसेंस समय-समय पर संशोधित दिल्ली नगर निगम अधिनियम, 1957 की धारा 416/417 के प्रावधानों के अनुसरण में प्रदान किया जाता है और यह केवल उस व्यक्ति और विशेष व्यापार और विशिष्ट विवरण के लिए मान्य है जो यहां बताई गई शर्तों के अधीन है।			
Shri./Smt./Sarvashri श्री/श्रीमती/सर्वश्री	SH. SUMIT SINGHAL		
Partner/Proprietor/ Director/Authorized Signatory साझेदार / स्वामी / निदेशक / अधिकृत हस्ताक्षरी	Proprietor		
Floor for which license granted वह मजिल जिसके लिए लाइसेंस दिया गया	GROUND FLOOR		
Licensed Premises (with size) लाइसेंस परिसर (साईज सहित)	M/S MAHAVIR PRASAD GROUND FLOOR Plot No. 4567 PLOT NO. 4567, ARYA SAMAJ ROAD KAROL BAGH, DELHI 110005 Working area: 13 (Sq. Mts.)		
Trade/Industry with HP उद्योग / एचपी के साथ व्यापार	Atta Chakki, spices (except chillies)/8 H.P		
Trade Classification उद्योग वर्गीकरण	LOCAL COMMERCIAL CATEGORY		
Any other remarks/information अन्य विवरण / सूचना			
License fee of Rs लाइसेंस फीस रु.	2370.0	Received Receipt No प्राप्ति रसीद क्रमांक	FL - 1748259289236
Date of Approval / स्वीकृति की तिथि	11-07-2025		
			
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5. This Court notes that when the matter was listed for hearing on 08th September, 2025, this Court had noted the statement made on behalf of the MCD that the MCD was in the process of rectifying the license, which has now duly been done.



6. Further, this Court notes that *vide* order dated 29th May, 2025, this Court had noted the fact that as regards the issue pertaining to the building being in dangerous condition, a civil dispute is already pending, wherein, the Civil Court has already stayed the operation of the notice issued by the MCD in that regard. Relevant portions of the order dated 29th May, 2025, reads as under:

“xxx xxx xxx

3. *The present writ petition has been filed seeking directions to the respondent no.1 to take action against the illegal running of atta chakki by respondent nos. 3 to 6, and illegal issuance of Trade License to late Sh. Mahavir Prasad, for running atta chakki in a dangerous and uninhabitable building, bearing no. 4566 to 4572, Gali No. 52, Khasra No. 1243-1244, Block B, Basti Raigerpura, Arya Samaj Road, Karol Bagh, Delhi-110005.*

4. *Learned Senior Counsel appearing for the petitioner submits that the said Mahavir Prasad has already expired on 9th February, 2024, whereas, the renewal of license, has been done on 8th May, 2025.*

5. *Attention of this Court has been drawn to the renewal license issued by the Factory License Department, Municipal Corporation of Delhi (“MCD”), wherein, the licensed premises have been reflected as M/s Mahavir Prasad, and the photograph of the deceased Mahavir Prasad, is reflected in the said license.*

6. *Issue notice. Notice is accepted by learned counsels appearing for respondents.*

7. *Learned counsel appearing for respondent no. 1-MCD submits that private disputes are pending between the petitioner and the other private respondents.*

8. *He further submits that the fact whether the property in question is dangerous and dilapidated, is a disputed question before the Civil Court. The Civil Court has already stayed the operation of the notice issued by the MCD in that regard, in the private litigation between the parties in CS No. 1689/2022, titled as Mahavir Prasad Versus Delhi Municipal Corporation.*

9. *It is further submitted that the said stay of the notice issued by the MCD qua the building in question being dangerous, has not been challenged so far.*



10. *Learned counsel appearing for respondent nos. 3 to 6, submits that license in question is not a new license, but has only been renewed.*

11. *He further submits that an application has already been filed before the MCD for requisite change in the name of the licensee.*

xxx xxx xxx”

7. This Court is informed by learned counsel appearing for the MCD that the petitioner herein has already become a party in the CS No. 1689/2025, titled as “*Mahavir Prasad Versus Delhi Municipal Corporation*”, and that the petitioner herein has already filed an application before the said Court for vacation of the stay therein.

8. Considering the aforesaid, no further orders are required to be passed in the present writ petition.

9. In case, the petitioner is aggrieved by the amended license issued in favour of the MCD, the petitioner is at liberty to seek his remedies, in accordance with law.

10. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 27, 2025/SK