



\$~20

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

+ **W.P.(C) 11042/2020 and CM APPL. 34491/2020**

M/S ODDLY YETI

.....Petitioner

Through: Mr. M.A. Niyazi, Ms. Anamika Ghai,
Ms. Kirti Bhardwaj, Ms. Nehmat Sethi and
Mr.Arquam Ali, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.Respondents

Through: Mr. Yoginder Handoo, ASC with
Mr.Ashwin Kataria, Advocate for Respondent
No.1/NDMC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
28.01.2025

%

1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India laying a challenge to show cause notice dated 22.10.2020 and communication dated 17.12.2020 issued by NDMC as also for a direction to NDMC to grant Health License to the Petitioner with respect to Oddly Yeti Delhi (a unit of Eminent Entertainment), situated at premises No. B-41, First Floor, Connaught Place, New Delhi, without insisting on submission of sanction plan of the subject premises.

2. Mr. M.A. Niyazi, learned counsel for Petitioner in his usual fairness states that this writ petition is rendered infructuous as during the pendency of the petition, Health License has been issued to the Petitioner by NDMC and additionally, Delhi Police Registration Certificate and Excise License



for liquor have been issued. Insofar as the sanction plan is concerned, which was really the bone of contention between the parties, it is urged that in the case of *M/s Big Chill Cafe Pvt. Ltd. v. New Delhi Municipal Council & Anr., W.P.(C.) No. 5038/2020* decided on 08.10.2024, Co-ordinate Bench of this Court has taken note of an Office Order dated 11.12.2023 clarifying that if a sanction plan is not available for the building in question, a site plan certified by a qualified Architect may be produced by a party. Mr. Niyazi submits that this condition has been satisfied and the certificate has been furnished, however, as in the case of *M/s Big Chill Cafe Pvt. Ltd (supra)*, if the NDMC changes its policy in future and sanction plan is insisted upon, Petitioner may be given the liberty to approach the Court again.

3. In view of the fact that the Health License has been issued in favour of the Petitioner as also the Delhi Police Registration Certificate and Excise License for liquor and Petitioner has furnished the required certificate by a certified Architect, which the NDMC recognises as a valid document, this petition is rendered infructuous. In case NDMC changes its policy in the future and makes the building sanction plan as a mandatory requirement for running the restaurant in question, it will be open to the Petitioner to take recourse to legal remedies as available.

4. Writ petition is disposed of along with pending application in the aforesaid terms.

JYOTI SINGH, J

JANUARY 28, 2025

B.S. Rohella/shivam