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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13049/2024, CM APPL. 54454/2024 & CM APPL.
9876/2025

PUKHRAJ SINGH CHUG

.....Petitioner

Through: Mr. Ashish Mohan, Sr. Adv. with Mr.
Prashant Pakhiddey, Mr. Manav Gill
and Mr. Shivang Gupta, Advs.
M: 9818446714

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Sanjay Vashishtha, SC with Ms.
Gunjan Rathore and Mr. Siddhartha
Goswami, Advs. for MCD.
M: 9999753811
Mr. Suhail Dutt, Sr. Adv. with Mr.
Manish Biala and Mr. Devesh Ratan,
Advs. for R-2 to 9.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
27.03.2025

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1. The present writ petition has been filed praying for directions to the respondent no.1, i.e., Municipal Corporation of Delhi ("MCD"), to seal the ground floor and basement of the property bearing no. *F-4/8, Vasant Vihar, New Delhi-110057*.
2. Learned Senior Counsel appearing for the petitioner submits that the petitioner is the owner of the second floor and terrace of the property in question, while the ground floor and basement are under the ownership and possession of the respondent nos. 2 and 3 herein. Since as per the case of the



petitioner, the respondent was carrying out certain commercial activities, the petitioner had filed a writ petition being W.P.(C) 13492/2023, which was disposed of *vide* order dated 12th October, 2023, wherein, it was recorded that the MCD shall carry out inspection and, in case any commercial activity is being carried out by the respondents herein, appropriate action shall be taken.

3. The said writ petition was accordingly, disposed of *vide* order dated 12th October, 2023, in the following manner:

“xxx xxx xxx

2. *Mr. Sanjeev Sabharwal. learned Standing Counsel for Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that an inspection has been conducted and it prima facie appears that commercial activities are being undertaken in the basement and ground floor of the propelly. MCD proposes to make further enquiries, and thereafter initiate appropriate proceedings and issue directions against the owners/occupiers of the basement and ground floor of the property, if necessary. He states that action will be initiated, if necessary, within a period of two weeks from today.*

3. *In view of the above statement of Mr. Sabharwal, Mr. Rakesh Tiku, learned Senior Counsel for the petitioner, submits that no further orders are required in this writ petition, which stands disposed of.*

4. *It is made clear that these submissions have been recorded without prejudice to the rights and contentions of respondent Nos. 2 to 9 herein, or any other owners/occupiers of the subject property, whose rights and remedies are expressly reserved. MCD is directed to take action, if any, strictly in accordance with law and after compliance with all statutory formalities.*

5. *Mr. Tiku submits that MCD may also be directed to look into the nature of the construction in the basement of the subject property and see whether it is an authorised or unauthorised construction. There is no prayer to that effect in the writ petition; however, it is always open to MCD to take appropriate action, in accordance with law, if any violation of the building bye-laws is found with respect to the subject property or any other part of the premises.*



xxx xxx xxx”

4. Pursuant to the aforesaid order, a sealing notice dated 22nd November, 2023, under Section 345-A of the DMC Act, 1957 was issued by the MCD.
5. Thus, it is the case of the of learned Senior Counsel appearing for the petitioner that any activities being carried out by the respondents, are liable to be stopped, as the same are not permitted.
6. *Per contra*, learned Senior Counsel appearing for the respondents draws the attention of this Court to the documents filed on behalf of the respondent on 25th March, 2025.
7. Attention of this Court has been drawn to the document dated 02nd December, 2024 issued by the office of Executive Engineer (Building)-1, South Zone, MCD, which is reproduced as under:


MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (BLDG)-I
SOUTH ZONE : GREEN PARK
NEW DELHI

No. OF 135/EE(Bldg)-1/SZ/2024 Dated 42/12/24

Shri Manjit Singh Sawhney
M/s Polyplus Consultants
P.No.F-4/8 - Basement
Vasant Vihar
NEW DELHI

Subj: Proceedings under Section 345-A of DMC Act-1957 for
Misuse in Property No. F-4/8, Vasant Vihar, New Delhi
- Basement and Ground Floor - Depositing of Applicable
charges

Sr,

Kindly refer to the hearing proceedings held before the Deputy
Commissioner-South Zone on the above subject.

In this regard, it is requested to kindly deposit the following applicable charges
for the commercial activity under reference:

1. Use Conversion Charges	Rs. 0,13,300/-
2. One-Time Parking Charges	Rs. 21,24,595/-
TOTAL	Rs. 21,37,895/-

You are, therefore, requested to kindly deposit the applicable charges,
required to be deposited through Demand Draft / Pay Order in favour of
Commissioner, M.C.D. within a period of one week's time period, to enable this
office to proceed further and finalize the case accordingly.

Yours faithfully,

Assistant Engineer (Bldg)
South Zone



8. Attention of this Court has also been drawn to the letter dated 27th February, 2025 issued by the respondent no.3 to the MCD, wherein, it has been stated as follows:

To,
The Assistant Engineer (Bldg.)
North Zone,
Municipal Corporation of Delhi,
Office of Executive Engineer (Bldg.), Conch Park,
New Delhi.

From,
Executive Engineer (Bldg.)
MCD, Conch Park
Date: 27-02-2025
Dated: 25/2/25

Subject: Proceedings under section 145-A of DMC Act-1957 for Works in Progress in Property No. F-4/8, Vasant Vihar, New Delhi- Basement and Ground Floor- Depositing of Applicable Charges.

Dear Sir,

With reference to your letter no. D/1350/IT/Regd-1/57/2024 dated 02.12.2024, seeking for the submission of

1. Use Conversion Charges	Rs. 8,33,300/-
2. One-Time Parking Charges	Rs. 26,24,599/-
Total:	Rs. 34,57,900/-

Please find attached two Demand Drafts:

- DD No. 141789 for Rs. 8,33,300/- towards Use Conversion Charges, favouring Commissioner, MCD, to be deposited in HFC Bank.
- DD No. 141788 for Rs. 26,24,599/- towards One-Time Parking Charges, favouring Commissioner, MCD, to be deposited in HFC Bank.

Kindly issue the NOC for the same at the earliest authorizing our professional activity.

Yours Sincerely,

Manjit Singh Sewlany
F-4/8, Basement,
Vasant Vihar,
New Delhi-110 057

Enc: Demand Draft 1st for NR 8,33,300/-
Demand Draft 2nd for NR 26,24,599/-

9. A perusal of the aforesaid documents clearly shows that the MCD has accepted the use, conversion charges and one time parking charges from the respondent with respect to the professional services in the nature of consultancy services being offered by the respondents.

10. Accordingly, the prayer made in the present writ petition cannot be granted by this Court, in view of the acceptance of the conversion charges



and parking charges by the MCD.

11. At this stage, learned Senior Counsel appearing for the petitioner submits that the activity carried out by the respondents is in the nature of a commercial activity, and has wrongly been permitted by the MCD.

12. However, the said fact is disputed by the learned Senior Counsel appearing for the respondents.

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

14. However, liberty is granted to the petitioner to take appropriate action, as per law, in case, the petitioner has any grievance against the action of the MCD, in permitting the respondent to carry out his professional/commercial activities in the premises, under the ownership and occupation of the respondent.

15. It is clarified that this Court has not expressed any opinion, as regards the merits of the permission granted by the MCD. The rights and contentions of all the parties are left open.

16. Accordingly, with the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

MARCH 27, 2025/kr