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

+ **CONT.CAS(C) 1538/2024**

MOUNT CARMEL SCHOOL SOCIETYPetitioner

Through: Mr. Vedanta Varma and Mr.
Shubhankar Choudhary, Advocates.

versus

**GYANESH BHARTI, COMMISSIONER, MUNICIPAL
CORPORATION OF DELHI & ORS.**Respondent

Through: Mr. Tushar Sannu, Standing Counsel
for MCD with Mr. Sourav Verma,
Adv.
Mr. Dhruv Rohatgi, Mrs. Chandrika
Sachdev, Mr. Dhruv Kumar, Advs.
for GNCTD.

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER
23.04.2025

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1. In compliance of the orders of the Court dated 28th March 2023 passed by this Court in **W.P.(C) 7697/2015**, Mr. Tushar Sannu, Standing Counsel for the MCD has drawn attention to the status report filed on 16th April 2025. The relevant parts of the status report are as under:

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9. That so as to ascertain the status of the alleged gate of the colony, the record maintained by the Maintenance Division –I of South Zone of Respondent – MCD has been referred to and the said alleged gate has also been inspected by the area field staff.

On referring to the record and inspection of the alleged gate, the status as ascertained is here as under:

i. Pursuant to order dated 28/03/2023, as passed by Hon'ble High Court in WPC No. 7697/2015, the area field staff is keeping regular watch of the subject gate so as to ensure that the same is manned in terms of the NOC granted by answering respondent.

ii. As per record, upon noticing the violation, a Show Cause Notice bearing No. EE(M)-I/SZ/2024-25/D-472 dated 30/09/2024 has also been issued to the President of RWA of Shanti Niketan, New Delhi. The copy of the same is annexed herewith as **Annexure –A.**

iii. In response to the same, a reply dated 10/10/2024 from the RWA has been received in the office of the respondent – MCD on 11/10/2024 informing therein that there all gates are managed and manned in terms of the policy and NOC of the respondent – MCD. The copy of the reply as received is annexed herewith as **Annexure –B.**

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iv. On receiving the said reply and so as to check whether the alleged gate is manned or not, the area field staff of Maintenance Division –I of South Zone – MCD has randomly inspected the same on 19/10/2024, 22/11/2024, 4/12/2024, 02/01/2025, 09/01/2025, 13/01/2025, 18/01/2025, 20/01/2025, 23/01/2025, 24/01/2025, 27/01/2025, 28/01/2025, 14/02/2025, 24/02/2025, 10/03/2025 and also on 26/03/2025 and during the same, the alleged gate was found duly manned and managed in terms of the NOC as granted. Considering the same, since no violation of permission / NOC issued by MCD was found after receiving the reply of the RWA, the Show Cause Notice dated 30/09/2024 was withdrawn / dropped. The photographs as taken during the inspection as undertaken by the department are annexed herewith as **Annexure –C** for kind reference and perusal of this Hon'ble Court.

10. That in light of the above given facts and circumstances, it is submitted that the officials of answering Respondent – MCD are keeping a strict watch and vigil of the alleged gate so as to ensure no violation of the NOC as issued by the MCD and of its prevailing gate policy.

11. That moreover, it is also relevant to point out here that

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as per the guideline –3 (g) of the policy / guidelines for installation of gate for security purpose, the RWA will have to full fill following points:

“g. In the event of any dispute regarding installation, opening / closing / manning of the gates, RWAs shall consult the ACP Sub-Division and his decision shall be final”. The copy of the circular vide which the policy / guidelines for installation of gates has been circulated is also annexed herewith as Annexure –D for kind reference of this Hon’ble Court.

12. That considering the aforementioned discussed facts and circumstances, it is humbly submitted that no violation / disobedience of orders of this Hon’ble Court more specifically order dated 28/03/2023 passed in WPC No. 7697/2015, has been made by the answering respondent, as alleged in the instant Contempt Petition and hence, in view of the same, the present Contempt Petition may kindly be dismissed being devoid of any merits.

2. It is, therefore, noted in the status report, and also asserted by the counsel for the MCD, that the respondent/MCD are keeping a strict vigil of the gate so as to ensure there is no violation of the NOC as issued by the MCD and of its *prevailing gate policy*.

3. The policy in question is dated 25th June 2007 titled ‘***Policy /Guidelines for Installation of Gates for security of colonies***’, which formed part of the directions of this Court on 28th March 2023.

4. Based on the status report and the statement made by the counsel, ensuring compliance as per the *prevailing gate policy*, the petition is being

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disposed of with liberty to the petitioner to take appropriate action in accordance with law, in case they find any continued infraction.

5. Counsel for the petitioner states, that their concern relates mostly to *Clause 3(l) & (m)* of the said policy, which are extracted as under:

- l) The gates so permitted, to be installed shall remain open during the daytime.
- m) During the night after 11.00 p.m., gates may be closed upto 5.00 a.m, but entry and exit facility shall be made available to the residents and entry/exit shall be manned by the Watch and Ward to be appointed by the RWAs at their cost.

6. Needless to state, once the statement has been made by the MCD, no further directions need be passed by this Court.

7. It is for the petitioner to assert any remedy they may have against any appropriate party, including RWA in this regard, if they find that said policy has been contravened.

8. Petition is disposed of accordingly.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 23, 2025/MK/na