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

+ W.P.(C) 13992/2025 & CM APPL. 57272/2025

**BHARAT COOPERATIVE GROUP HOUSING SOCIETY
LTD.**

.....Petitioner

Through: Mr. Vinod Sharma, Adv.
M: 9899184083

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Ms. Shilpa Dewan, Adl. SC for MCD
M: 9971192772

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
11.09.2025**

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1. The present writ petition has been filed seeking directions to the respondent no.1-Municipal Corporation of Delhi ("MCD"), to immediately fill up the open pit, which was dug by some members/proposers for installation of a lift in the petitioner society, i.e., Bharat Cooperative Group Housing Society Ltd., located at *Plot No. 20, Sector-13, Rohini, Delhi-110085*.

2. Learned counsel appearing for respondent no.1-MCD submits that the MCD has no objection to filling up the open pit in question. She draws the attention of this Court to the letter dated 17th July, 2025, by which the petitioner has cancelled the No Objection Certificate ("NOC") dated 04th June, 2025, for lift installation.

3. Learned counsel appearing for the MCD submits that since the NOC



has been withdrawn by the petitioner, the MCD has also by its letter dated 31st July, 2025, directed to stop the installation of the lift in question and the connecting bridge immediately, until the matter is resolved with the petitioner herein.

4. Having heard learned counsels appearing for the parties, this Court notes that *vide* letter dated 17th July, 2025, the petitioner has already cancelled the NOC dated 04th June, 2025, for lift installation. The said letter dated 17th July, 2025, issued by the petitioner reads as under:





5. This Court further notes the letter dated 31st July, 2025, issued by the MCD, wherein, directions have been given to stop the installation of the lift for the time being. The letter dated 31st July, 2025, issued by the MCD, reads as under:


MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (BLDG.) (I)
ROHINI ZONE: SECTOR-V: DELHI-110085

No. AE-III(B)-I/RZ/2025/ 230. Date: 31.7.25

To,

Smt. Shashi Kalra (273),
Sh. Arun Kaushik & Sh. Shashi Bhushan Kaushik (274),
Sh. Pawan Kumar Ralli (275),
Sh. Rajesh Mahajan (276),
Sh. Pradeep Sobti (281),
Sh. Gaurav Kochhar & Sh. Ashok Kr. Kochhar (283),
Sh. Ashok Kr. Gogia (284).

**Bharat CGHS Ltd., Plot No. 20,
Sector-13, Rohini, Delhi-110085**

Subject: Complaint in respect of installation of lift for flats bearing no. 273, 274, 275, 276, 281, 283 & 284, Bharat CGHS Ltd., Sector-13, Plot no. 20, Rohini-85.

Reference: AE (B-I)/RZ/2025/56 dt. 06.05.2025

This office is in receipt of a complaint from the Management Committee Bharat Co-op. Group Housing Society Ltd., Sector-13, Plot no. 20, Rohini-85 received in this office vide diary no. C-1293 dt. 30.07.2025 in respect of installation of lift flats bearing no. 273, 274, 275, 276, 281, 283 & 284, Bharat CGHS Ltd., Sector-13, Plot no. 20, Rohini-85.

Vide this complaint, the MC of the Bharat CGHS has stated that they had earlier issued an NOC to the applicants on 04.06.2025 and have further revoked the said NOC in the MC meeting held on 17.07.2025. The MC has stated that there is no sufficient space to shift the services and requested MCD to revoke the NOC issued by MCD.

MCD had issued NOC/ permission for installation of lift and connecting bridge on the basis of an undertaking by the applicants that they will obtain an NOC from the RWA/ MC of the CGHS in case of shifting of services. However, in the instant case, as per the complaint of MC of the CGHS, the NOC issued by them has already been withdrawn by them on 17.07.2025.

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In view of above, you are hereby directed to stop the installation of lift and connecting bridge immediately until the matter between you and the MC of the Bharat CGHS is resolved.

Asstt. Engineer-III (Bldg.)-I
Rohini Zone

Copy to:

1. EE(B)-1/RZ for kind information please.
2. SHO, PS Prashant Vihar, Delhi with the request to stop the construction work till the matter is resolved.
3. JE(B), Ward No. 53 for follow up and report.

Asstt. Engineer-III (Bldg.)-I
Rohini Zone

6. Considering the aforesaid, it is apparent that the installation of the lift in question has been stopped for the time being. Thus, the open pit in question, which has been dug, cannot be allowed to continue for the time being, especially, in view of the statement of the learned counsel appearing for the MCD that MCD has no objection to filling up the said open pit, keeping in mind the safety measures.

7. This Court also takes note of the submission made by the learned counsel appearing for the petitioner that the pit in question shall pose a danger to the safety of the residents, if it is allowed to continue in the same condition.

8. Accordingly, it is directed that the petitioner society is at liberty to fill up the open pit, which is existing in the society in question.

9. In case of any hindrance, the Station House Officer ("SHO"), Police Station Prashant Vihar, is directed to give assistance with regard thereto.

10. It is clarified that no special equity shall be claimed by the petitioner society in view of the order passed by this Court today.



11. Further, this Court has not expressed any opinion as regards the merits of the case with respect to the installation of the lift in question.
12. It is further clarified that the present order is being passed only with a view to secure the safety of the residents.
13. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 11, 2025/KR