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

+ **W.P.(C) 14100/2025 & CM APPL. 57789/2025**

M/S ERFOLG

.....Petitioner

Through: Mr. Kunal Sabharwal and Mr.
Shobhit Garg, Adv.

Mob: 9711048605

Email:

aayushmalhotra2014@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Harsh Singhal, Ms. Mughdha
Avnish and Mr. Utkarsh Singhal,
Advs.

Mob: 9958154277

Email: harshsinghal.14@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

12.09.2025

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1. The present writ petition has been filed challenging the sealing of the property bearing Unit Nos. S-3 and S-4 (rear unit of second floor) of the property bearing no. D-32, NDSE, Part-I, New Delhi-110049, by the Municipal Corporation of Delhi ("MCD").

2. Learned counsel appearing for the petitioner draws the attention of this Court to the order dated 17th October, 2022 passed by the Monitoring Committee, wherein, the property in question has been directed to be permanently de-sealed. The order dated 17th October, 2022, passed by the Monitoring Committee reads as follows:



Case No.846/2022

Sub.:Regarding permanent de-sealing of Premises bearing D-32 (Rear Side Second Floor), NDSE Part-I, New Delhi-110049.

17.10.2022

Present: None

File taken up on the request letter dated 27.07.2022 from the applicant (received on 01.08.2022) wherein applicant agreed to pay penalty and compounding fee of own portion and regularisation charges in respect of the entire property.

In view of above, order dated 20.07.2022 is accordingly modified to the extent and shall be read as under:-

In view of above, impugned premises bearing Property No.D-32 (Rear Side Second Floor), NDSE Part-I, New Delhi-110049 is hereby permanently desealed subject to payment of penalty of respective portion at prevailing rates and compounding/regularization fee/charges in respect of entire building as conveyed by the Department. Further, on filing of an undertaking in the form of an affidavit by applicant before DC/Central Zone to the effect that impugned premises shall be used for residential purposes till regularization Plan is issued and no unauthorized construction shall be carried out in future. The directions of the Hon'ble Supreme Court of India in the matter of WPC No.4677/1985 (MC Mehta Vs UOI & Drs.) passed from time to time shall be complied with and non-compliance of the same would be subject to offence of perjury and contempt. Any subsequent violation, in future, of above-mentioned conditions and undertaking shall be sufficient to reseal the subject property without any prior Notice.

The application of the applicant is disposed off in above terms. File be consigned to Record Room.

Copy of the order be sent to the DC/Central Zone and applicants for compliance. The compliance Report be submitted within a fortnight.

17/10/22
Members
Monitoring Committee

3. Learned counsel appearing for the petitioner also draws the attention of this Court to the order dated 10th April, 2017, passed by the Appellate Tribunal, MCD ("ATMCD"), in *Appeal No. 609/ATMCD/2013*, wherein, it has been directed as follows:

24. Since the appellants have paid the 10 times penalty for violating the provisions of the Act, they are hereby permitted to use the property in question for residential purposes till they pay the charges for additional FAR and conversion charges, therefore, I allow the appeal and order to de-seal the property in question i.e. S-1 & S-2 on ground floor, F-3 & F-4 on upper floor of the first and second portion of second floor of property bearing No.D-32, NDSE-I, New Delhi, subject to lodging an undertaking that they will not use the property for commercial or industrial use as permitted in the MPD-2021 and will use the same for residential purposes and if they pay the charges for additional FAR and conversion charges, if any, and if then will use the same for residential purpose. The justice of any such undertaking will give full liberty to the MCD to re-seal the property without any further notice to the appellants. Respondent MCD also at liberty to initiate action against unauthorized construction in the property in question as per law. The above affidavits be submitted before this Tribunal and copy to the Dy. Commissioner concerned and once it is accepted by this Tribunal then the property in question be de-sealed thereafter within 10 days. Record of the respondents alongwith copy of the order be sent back. One copy of the order be sent to the Monitoring Committee for information and one copy of the order be sent to the Dy. Commissioner concerned for compliance. Original copy of the order be placed in Appeal File No.44470 and attested copies of the order be placed in other records. Appeal File be consigned to record room.

REPRESENTATIVE
Appellate Tribunal, MCD
18.04.2017

This is a digitally signed order.

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4. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD, who submits that the present writ petition is not maintainable, as the petitioner is required to approach the Monitoring Committee with prayer for de-sealing. He further submits that the petitioner has not approached the MCD, as yet.

5. Having heard learned counsel appearing for the parties, this Court notes that in the present matter, the petitioner has already approached the Monitoring Committee, which by its order dated 17th October, 2022, has already directed the de-sealing of the property in question. Further, *vide* order dated 10th April, 2017 passed by the ATMCD, there are orders for de-sealing in favour of the petitioner. Therefore, the petitioner is not required to approach the Monitoring Committee again.

6. It is to be noted that the present writ petition has been filed only with a view to implement the orders passed by the Monitoring Committee and the ATMCD, wherein, directions have been given for de-sealing of the property of the petitioner. Therefore, the present writ petition would be maintainable before this Court.

7. Considering the fact that there are already directions by the Monitoring Committee and the ATMCD for de-sealing of the property of the petitioner, it is directed that the petitioner shall forthwith make a representation to the Deputy Commissioner, Central Zone.

8. The petitioner shall comply with all the directions of the MCD and shall make all the compliances, including, payment of any fees/penalties, as may be directed by the MCD.

9. Upon the petitioner making all the compliances and fulfilling all the directions as may be issued by the MCD, the MCD shall proceed to do the needful for de-sealing of petitioner's property.



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

MINI PUSHKARNA, J

SEPTEMBER 12, 2025/SK