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

+ **W.P.(C) 17011/2024 and CM APPLs. 72109/2024, 13550/2025**

M/S VOLGA RESTAURANT

.....Petitioner

Through: Mr. M.Z. Niyazi, Ms. Anamika Ghai
Niyazi, Ms. Nehmat Sethi, Ms. Kirti Bhardwaj and
Mr. Arquam Ali, Advocates for Petitioner.
Mr. Amit Sethi, Ms. Ekadhana Sethi and Mr.
Rishabh Sharma, Advocates for Applicant in CM
APPL. 13550/2025.

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Ms. Puja S. Kalra, Additional
Standing Counsel with Mr. Virendra Singh,
Advocate and Mr. Lokesh Meena, A.E.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.03.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking a direction to NDMC to allow Petitioner to carry out renovation/repair work in premises bearing No. B-19, Block B, Connaught Place, New Delhi in light of deemed approval of HCC for renovation in terms of Clause 2.3.4 of UBBL, 2016.
2. During the pendency of this writ petition, an application bearing CM APPL. No. 13550/2025 has been filed under Order I Rule 10 CPC, 1908 for impleadment by landlord/owner of the premises in question. It is stand of the landlord that Petitioner is a tenant in the subject premises and an eviction

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petition has been filed against the Petitioner under Section 14(1)(b) of Delhi Rents Control Act, 1958 before the Additional Rent Controller, Patiala House Courts. Civil Suit has been filed by the Petitioner seeking mandatory and permanent injunction, which is also pending and in light of the *inter se* disputes as also considering the objection given by the applicant with NDMC against any permission for addition, alternation and renovation, the petition deserves to be dismissed. Counsels for the landlord and NDMC take a stand that the building in question in which the subject shop is situated is a heritage building (Grade-II) as per notification dated 01.10.2009 and hence, there is a restriction against development, redevelopment, repair, renovation etc., by virtue of Regulation 1.3 of Annexure-II of Byelaw 7.26 of UBBL, 2016 for Delhi. It is also urged that as per Regulation 1.2, responsibility of maintaining the heritage building is cast on the owner and violation of the Regulations is punishable under Regulation 1.4. Several other grounds are raised both by landlord and NDMC in opposition of the petition.

3. Mr. Niyazi, learned counsel for the Petitioner submits that without prejudice to the contentions raised by the Petitioner in the present writ petition and refuting and rebutting the submissions made by the Respondents, this writ petition be disposed with a direction to NDMC to decide the application dated 04.09.2024 made by the Petitioner seeking permission for renovation/repair etc., in accordance with law with liberty to the Petitioner to take recourse to legal remedies in case of any surviving/further grievance. Counsels for the Respondent have no objection to this course of action.

4. CM APPL. 13550/2025 is allowed, impleading the applicants as party Respondents in the writ petition.

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5. In light of the submission of Mr. Niyazi, without entering into the merits of the case, this writ petition is disposed of with a limited direction to NDMC to decide the application dated 04.09.2024 made by the Petitioner, in accordance with law. Decision will be taken by NDMC after granting personal hearing to the Petitioner as also the co-owners of the property in question. As agreed between the parties, personal hearing will be granted on 17.03.2025 at 02:30 P.M. by the concerned officer in NDMC. It is open to the parties to furnish relevant documents in their favour as also written submissions, if any.

6. After conclusion of personal hearing, a speaking order shall be passed by NDMC within three weeks, which shall be communicated to the Petitioner and the co-owners, who shall be at liberty to take recourse to legal remedies, in case of any surviving/further grievance.

7. Pending applications stand disposed of.

JYOTI SINGH, J

MARCH 6, 2025

S.Sharma

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