



2025:DHC:10831



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 02nd December, 2025**+ **W.P.(C) 17865/2025 & CM APPL. 73829/2025, CM APPL. 73830/2025****FAREHA AHMAD KHAN**

.....Petitioner

Through: Mr. Abhijat, Sr. Advocate with Mr. Shivek Trehan, Ms. Ayushi Sinha and Ms. Manika Pandey and Mr. Satyam Gupta, Advocates
Mob: 9311611900
Email: office@aktlawoffices.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Puja S. Kalra, SC with Mr. Virendra Singh, Advocate for MCD
Mob: 9312839323
Email: pujakalra09@gmail.com

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed, *inter alia*, seeking quashing and setting aside of the order dated 14th November, 2025, issued by the respondent-Municipal Corporation of Delhi ("MCD") under Section 337 of Delhi Municipal Corporation Act, 1957 ("DMC Act"), read with Section 15 of the National Green Tribunal Act, 2010 ("NGT Act"), thereby, directing the petitioner to deposit compensation amounting to Rs. 30,000/-.
2. The petitioner is also aggrieved by another order of the same date, wherein, directions have been issued to the petitioner to stop the repair/renovation work at the property bearing No. D-116, first floor,



Defence Colony, New Delhi-110024.

3. When the matter was listed for hearing on 28th November, 2025, the following directions came to be issued:

“xxx xxx xxx

10. Learned counsel appearing for the MCD submits that the action taken by the MCD, is in terms of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021.

11. She submits that MCD is only an implementing authority, which is implementing the said law. She further submits that Graded Response Action Plan-II (“GRAP-II”) is in force at present. Therefore, various construction activities in terms thereof are not allowed to be carried out.

12. However, learned Senior Counsel appearing for the petitioner submits that the petitioner undertakes that any renovation work being carried out by the petitioner in the premises in question, shall be strictly in accordance with what is permissible during the pendency of the GRAP-II restrictions.

13. Considering the submissions made before this Court, it is directed that the concerned officials of the MCD shall inspect the property in question today, i.e., 28th November, 2025 at 3:00 PM.

14. It is directed that the petitioner or her authorized representatives, shall be present at the time of inspection. The petitioner is also at liberty to videograph the inspection.

15. During the course of inspection, the concerned officials of the MCD shall indicate the specific renovation work that can be carried out for the time being, in view of the GRAP-II restrictions.

16. Upon such works being indicated, the petitioner shall carry out the said works strictly in compliance with the directions issued by the MCD, in accordance with the GRAP-II restrictions, which are operating for the time being.

17. It is clarified that the present writ petition has been entertained only on account of the undertaking given on behalf of the petitioner that any renovation work that shall be carried out, will strictly be in accordance with the permissible limits of GRAP-II, which is in operation for the time being.

18. The MCD is directed to produce a report before this Court, on the next date of hearing.

19. Re-notify on the date already fixed, i.e., 02nd December, 2025.



20. Dasti under the signatures of Court Master.

xxx xxx xxx”

(Emphasis Supplied)

4. Today, learned counsel appearing for the respondent-MCD has handed over a copy of the Status Report filed on behalf of MCD, which is taken on record.

5. The relevant paragraph of the Status Report with regard to the activity being conducted by the petitioner, reads as under:

“xxx xxx xxx

10. That, pursuant to aforesaid directions of this Hon’ble Court, subject premises was inspected by the concerned field staff of this answering respondent on 28th November, 2025 at 3.00 PM. During inspection, the petitioner and her representative were apprised about GRAP-II restrictions and queries raised by the petitioner and her representatives were duly replied. During inspection, a copy of Guidelines issued by the Commission for Air Quality Management, NCT of Delhi vide Order No. 120017/27/GRAP/2021/CAQM dated 21st November, 2025 regarding *Implementation of the Graded Response Action Plan (GRAP)- reg.* was also handed over to the petitioner. Copy of Orders dated 21st November, 2025 is annexed herewith as Annexure: E.

xxx xxx xxx”

6. Perusal of the aforesaid Status Report filed on behalf of the MCD clearly shows that the petitioner herein has already been guided, as regards the activities, which are permissible under the Grade Response Action Plan-



II (“GRAP-II”) restrictions.

7. Accordingly, it is directed that the petitioner is at liberty to carry out renovation/repair work in terms of the permissible limits under the GRAP-II restrictions.

8. As regards the penalty of Rs. 30,000/- having been imposed upon the petitioner, this Court takes note of the submissions made by learned counsel appearing for the MCD that in terms of the Commission for Air Quality Management in National Capital Region and Adjoining Area Act, 2021, (“CAQM Act”), the petitioner herein is required to file an appeal before the National Green Tribunal (“NGT”), and the jurisdiction of the Civil Court in this regard is barred.

9. At this stage, learned Senior Counsel appearing for the petitioner submits that the impugned order has not been passed under the aforesaid CAQM Act, 2021, and thus an appeal before the NGT will not lie.

10. However, the aforesaid fact is disputed by learned counsel appearing for the respondent-MCD.

11. Be that as it may, in view of the submission made by learned counsel appearing for the MCD, the petitioner is directed to approach the NGT on the issue of penalty imposed.

12. Accordingly, in order to allow the petitioner to approach the NGT and take appropriate action in terms of the submissions made by learned counsel appearing for the respondent-MCD, the impugned order dated 14th November, 2025 bearing No. *D/199 /NGT/AE-III/EE(B)-I/CNZ/2025*, issued by the Office of Executive Engineer (Bldg.)-I, Central Zone, Lajpat Nagar, is kept in abeyance for a period of four weeks.

13. Considering the directions as aforesaid, the other order dated 14th



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November, 2025, bearing No. *D/54/AE(B)-III/CNZ/2025*, has become infructuous.

14. It is noted so accordingly.

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

MINI PUSHKARNA, J

DECEMBER 2, 2025/ak