



\$~3

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

+ **W.P.(C) 1338/2026 and CM APPL. 6660/2026**

RAGINEE PATHAK

.....Petitioner

Through: Mr. Rakesh Singh, Advocate.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS

.....Respondents

Through: Mr Anubhav Gupta, Advocate for R1
and R2.

Mr Sanjay Vashishtha with Mr
Siddhartha Goswami and Ms
Geetanjali Reddy, Advocates for
R5/DDA.

Ms. Maneesha Dhir with Ms. Varsha
Banerjee, Ms. Ayushi Misra & Ms.
Vidhi Kapoor, Advocates for
DSIIDC.

Mr Gaganmeet Singh Sachdeva with
Mr Hridyesh Khanna & Mr
Harshpreet Singh Chadha, Advocates
for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

10.02.2026

1. The petitioner claim to be a lawful owner/occupant of the premises/shops situated at Khasra No.18/18, Gali No.16, Swaroop Nagar, Libaspur Road, New Vijay Chowk, Delhi-110042. According to the petitioner, the locality/area where the subject premises situated is fully



commercial in nature. It is submitted that all commercial activities including shop through various commercial establishments are functioning for more than ten years. The petitioner submits that respondent no.3 – Delhi State Industrial & Infrastructure Development Corporation Ltd. (DSIIDC) approached the petitioner for running a liquor shop at the petitioner's premises on Profit Sharing Lease Agreement basis. The petitioner consented with the DSIIDC and had entered into Profit Sharing Lease Agreement. The petitioner submits that she has invested around ₹20 lakh for creating the infrastructure for safety and security of the stocks, renovation/fittings and fixtures work etc. The Excise Department then granted L6 (Licence for Retail Vend of Indian Liquor in public sector) category. On 07.10.2025 the Vend Shop of the petitioner became operational and sale of liquor started. The petitioner was getting the appropriate benefit under the Profit Sharing Lease Agreement. It is however submitted that to the utter surprise of the petitioner by impugned communication dated 09.01.2026 it has been ordered by the Department of Excise, Govt. of NCT of Delhi that on receipt of the information from the MCD, the street/stretch on which the petitioner's Vend situated is not commercial street, thus, the Vend was found to be functioning in violation of the MPD-2021. Accordingly, it was directed that the operation of the Vend of the petitioner be ceased with immediate effect.

2. The petitioner has challenged the said communication dated 09.01.2026 on various grounds. Various submissions have been made by the learned counsel appearing for the petitioner to impress upon the Court that the reasoning assigned in the order is completely incorrect. He submits that there are various shops being in operation including liquor shop. The



Court *vide* order dated 30.01.2026 directed for issuance of the notice to the respondents. Govt. of NCT of Delhi was also directed to justify by way of the affidavit, the stand taken in order dated 09.01.2026. Pursuant to the said direction, an affidavit has been filed by the Govt. of NCT of Delhi. The Govt. of NCT of Delhi in its affidavit has stated that the petitioner's Liquor Vend is situated at Khasra No.18/18, Village Libaspur, Burari Road, Swaroop Nagar. The same has been directed to be shifted to another suitable location, and therefore, there is no direction to close the shop as such. It is the stand of the Govt. of NCT of Delhi that the position of the shop being situated on non-commercial place is reaffirmed and reconfirmed by the MCD by its communication dated 03.02.2026. The communication dated 03.02.2026 is extracted as under:

**“MUNICIPAL CORPORATION OF DELHI
Office of the Executive Engineer (Bldg.)-II, Civil Lines Zone
16-Rajpur Road, Civil Lines, Delhi – 110054**

D. No.561/EE(B)-II/CLZ/2026

Dated : 03/02/2026

*The Assistant Commissioner
Excise Entertain & Luxury Tax
L&N Block, Vikas Bhawan
I.P. Estate, New Delhi.*

Subject:- Reply in reference to letter no. F-No. L-6/Ex/IMFL/(DSIIDC)/2025-26/2540 dated 03.01.2026.

In reference to letter, it is to inform you that Kh. no. 18/18, Village Libaspur, Burari Road, Swaroop Nagar, Delhi does not fall on Commercial Street as per MPD-2021. The owner of the property has submitted the payment of conversion & parking charges under Self-Assessment Scheme. It is clarified that the road in question is not commercial Street, Owner of the property cannot run the commercial venture from the property in question, after paying conversion & parking charges.



AE(B)-II/CLZ”

3. Though the petitioner contends otherwise, however, there is no reason to disbelieve the communication issued by the MCD and acted upon by the Govt. of NCT of Delhi. In any case, the petitioner had the arrangement with the respondent no.3. The petitioner if has any grievance against respondent no.3 she shall be entitled to avail appropriate remedy. However, the writ Court in exercise of power under Article 226 of the Constitution of India cannot allow the liquor shop to be operated in a non-commercial area or to allow the violation of the MPD-2021. Whether the area in question is a commercial or non-commercial cannot be adjudicated in the instant writ petition. The position taken by the respondents *prima facie* satisfies that the shop in question falls in a non-commercial area.

4. In view thereof, the prayer made in the writ petition cannot be acceded to and the same is accordingly disposed of. Pending application shall also stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 10, 2026

tr/ap