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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2757/2019 & CM APPL. 12773/2019**
PUNEET DEWANPetitioner
Through: Mr. Bharat Bhushan, Mr. Partik
Ahlawat, Mr. Rohit Dhamija, Advs.

versus

DELHI DEVELOPMENT AUTHORITYRespondent
Through: Mr. Animesh Kumar Gaba, Mr. Shiva
Khandelwal and Mr. Jatin Sharma, Advs.

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+ **W.P.(C) 6454/2019 & CM APPL. 56507/2025**
SHEFALI TRIPATHIPetitioner
Through: Mr. Bharat Bhushan, Mr. Partik
Ahlawat, Mr. Rohit Dhamija, Advs.

versus

DELHI DEVELOPMENT AUTHORITYRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
27.02.2026

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1. None of the parties has any objection to me hearing the present matter.
2. These are writ petitions filed under Article 226 of the Constitution of India seeking the following respective prayers:-

W.P.(C) 2757/2019

“a) issue a suitable writ, order or direction for issuance of a writ in the nature of mandamus directing the respondent to allow the petitioner to apply for membership in Siri Fort



Sports Complex; and

b) issue a suitable writ, order or direction for issuance of a writ in the nature of mandamus directing that the respondent to entertain the application for membership of the petitioner without any prejudice and as normal applicant; and

c) issue a suitable writ, order or direction for issuance of a writ in the nature of mandamus directing that the respondent to allow the petitioner to use the sports complex on pay and play basis and not to bar the entry of the petitioner;”

W.P.(C) 6454/2019

“a) issue a suitable writ, order or direction for quashing the order/letter dated 04.08.2018 passed by the respondent interalia terminating the membership of the petitioner being bad in the eyes of law; and

b) issue a suitable writ, order or direction for issuance of a writ in the nature of mandamus directing the respondent to allow the petitioner to apply for membership in Siri Fort Sports Complex; and

c) issue a suitable writ, order or direction for issuance of a writ in the nature of mandamus directing that the respondent to entertain the application for membership of the petitioner without any prejudice and as normal applicant; and

d) issue a suitable writ, order or direction for issuance of a writ in the nature of mandamus directing that the respondent to allow the petitioner to use the sports complex on pay and play basis and not to bar the entry of the petitioner;...”



3. The petitioners in both these petitions are aggrieved by the decision of the respondent to terminate the membership of the petitioners of Siri Fort Sports Complex.
4. The brief facts of the cases are that petitioners were suspended on 08.05.2018 for attending Holi party and consuming alcoholic beverages within the premises of the Siri Fort Sports Complex on 01.03.2018.
5. It is the case of the petitioners that they attended the aforesaid party with the *bona fide* belief that the party was being organized with the permission of Siri Fort Sports Complex. The present petition challenges termination as being unduly harsh, disproportionate and contrary to the rules and regulations.
6. The rules and regulations are important and read as under:-

“23 Termination of Membership

(c) For misconduct or any act considered prejudicial to the good name and smooth functioning of the Sports Complex or infringement of rules, regulations and bye-laws of the Sports Complex or if any member is adjudicated as bankrupt or insolvent.

. . . .

27 Drinking & Smoking

Consuming liquor or alcoholic drinks and smoking in the premises of the complex is strictly prohibited. Members are requested to cooperate and avoid indulging on drinking or smoking.”

7. Since as per the respondent, the petitioner was found consuming



alcohol within the Sports Complex premises, the Show Cause Notice was issued on 15.03.2018 alleging violation of bye-laws Clause Nos. 23 and 27 of the rules and regulations already reproduced above.

8. The respondent duly replied expressing its unconditional apology and stated that the petitioners did not consume any alcohol beverage. Thereafter, the personal hearing was granted and the impugned order was passed.
9. Mr. Bhushan learned counsel for the petitioners, while reiterating its stand that the petitioner has not consumed any alcohol beverage, states that the petitioner has due regard to the rules and regulations of the respondent and undertakes to comply with them in their full letter, spirit and intent. He further tenders an unconditional apology on behalf of his the petitioner.
10. The petitioner was granted a 5-year membership which already has come to an end.
11. The respondent also offers daily membership to any person who is desirous of using the facility on pay-and-play basis.
12. The Hon'ble Supreme Court in the case of ***Ranjit Thakur v. Union of India, (1987) 4 SCC 611***, while discussing the scope of judicial review has made the following categorical observations:

25. Judicial review generally speaking, is not directed against a decision, but is directed against the “decision-making process”. The question of the choice and quantum of punishment is within the jurisdiction and discretion of the court-martial. But the sentence has to suit the offence and the offender. It should not be vindictive or unduly harsh. It



should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias. The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the court-martial, if the decision of the court even as to sentence is an outrageous defiance of logic, then the sentence would not be immune from correction. Irrationality and perversity are recognised grounds of judicial review. ...

13. In the judgment passed by the Hon'ble Division Bench of this Court in the case titled as ***Prabhat Kumar Singh v. Army College of Medical Science, 2018 SCC OnLine Del 9619***, the Court has made following observations concerning the scope of interference with the disciplinary actions:

47. At this stage, the Appellant has admittedly completed four years out of the prescribed four and a half years of study for the award of a MBBS degree. In view of the same, when we examine all the surrounding factors, including the Appellant's humble background; brilliant academic career; his young age; his right to education; his right to fulfil his aspirations and reach somewhere in life; and, the fact that for the last six years he has only suffered humiliation from every quarter, we have no hesitation in holding that the penalty of permanent expulsion imposed on him was unduly harsh and shockingly disproportionate.



...

*50. Having found that the penalty imposed on the Appellant is unduly harsh and shockingly disproportionate, the question would now be whether we should remit the matter back to the Respondents for modification of penalty or this Court should itself modify the penalty. In our considered view, at this stage when the Appellant has already lost six academic years, interest of justice demands that, instead of remanding the matter back to either the Respondent No. 1/College or the Vice-Chancellor of the Respondent No. 5/University, we should modify the penalty of permanent expulsion to that of rustication for the period already undergone. A similar course of action was taken by this Court in the case of *Air Force Bal Bharti School v. Delhi School Tribunal* [LPA No. 48/2005], wherein it was held as under:—*

“7. This Court is now called upon to exercise second review, as it were, of the disciplinary order made by the school....The counsel's emphasis that without a finding that the penalty in a given case is “shockingly” disproportionate, the Court cannot substitute it, exercising the jurisdiction of the decision-maker, does not persuade this Court. It is the disproportionality of the punishment, by whatever name called, i.e.,



“shocking”, “serious” or “gross” having regard to the totality of the proven facts, which is to be seen in every case. A case might reveal facts where the penalty is shockingly disproportionate, and the Court may substitute it without saying that the penalty is shockingly disproportionate. Conversely, in another instance, the penalty might not be disproportionate at all, despite which the Court might say it is. Ultimately, it is a matter of substance, and not semantic form, that the Court has to look into...”

(emphasis supplied)

14. The administrative authorities cannot be vested with unbridled discretion in imposing the said penalties. Discretion should always be exercised in a prudent and reasonable manner, the same cannot be disproportionate to the object it seeks to achieve. In **Prabhat Kumar Singh (Supra)**, the Hon’ble Division Bench set aside the impugned order passed by the learned Single Judge on the ground that the imposed punishment is disproportionate. In this case the petitioner was found guilty by the college authorities of forging signatures, stamps and seal of the training officer on an EWS Scholarship form. The disciplinary committee on recommendations imposed a punishment of expulsion from college and hostel with immediate effect. The Hon’ble Division Bench while holding that the aforesaid punishment is very harsh and shockingly disproportionate, modified the punishment in the



interest of the Student thereby granting him a chance of self-reform.

15. Further, in ***Ravi Kumar v. State (Govt. of NCT of Delhi) and Anr., 2018 SCC Online Del 6761***, a coordinate bench of this Court while dealing with a case wherein a student of the Delhi Technological University was rusticated from the University because he was driving the bike above the speed limit resulting in an accident on campus. The Court in this case proceeded to state that objective of disciplinary actions is to reform the child and not to impose punishments. The Court categorically relied on several judgments to hold that the institute is expected to treat their students fairly and impose a punishment which is proportionate to the alleged act of misconduct. Any punishment should only be imposed after considering all the relevant factors.
16. The conduct of the petitioners in the present case, no doubt, is questionable, but the petitioner has a fundamental right to a healthy living and to achieve the best standards of their mental and physical wellbeing. The Sports Complex at Siri Fort is one of the most prime green areas in Delhi with world class sports facilities in Tennis, Squash, Swimming, Walking, Golf, Cricket, Badminton etc. Denying the petitioners these benefit, would be an infraction on fundamental rights.
17. The lifetime ban, to my mind, is shockingly disproportionate, unduly harsh and not in consonance with the purpose it actually seeks to achieve, even by assuming that the offence was actually committed by the petitioner. Additionally, the petitioner is not seeking membership, but only a right to use the facilities on daily basis by paying the necessary daily charges.



18. For the said reasons, the petitions are allowed and it is directed that as and when the petitioner wishes to use the facility of Siri Fort Sports Complex on daily basis, subject to payment of the charges, completion of formalities and in accordance with the extent rules, the petitioners shall be so allowed.
19. The petitions are disposed in the aforesaid terms alongwith pending applications, if any.

JASMEET SINGH, J

FEBRUARY 27, 2026 / (MS)