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

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+ **W.P.(C) 5825/2026 & CM APPL. 28656/2026**

M/S ERFOLG (THROUGH ITS PARTNER
MS. DIMPLE MEHRA)

.....Petitioner

Through: Mr. Ayush Malhotra and Mr. Shobhit
Garg, Advocates.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Bharat Malhotra and Ms. Gayatri
Bhatia, Advocates for MCD.

59.

+ **W.P.(C) 5836/2026**

MS AMBER BAWA

.....Petitioner

Through: Mr. Ayush Malhotra and Mr. Shobhit
Garg, Advocates.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. M.S. Oberoi, Standing counsel
for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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29.04.2026

1. W.P.(C) 5825/2026 has been filed seeking the following reliefs:



- I. Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction in the nature of Mandamus directing Respondent (MCD) to immediately de-seal the Petitioner's 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
 - II. Issue a Declaration that the sealing of the said property by Respondent (i.e. MCD) is illegal and unauthorized;
 - III. Issue a Writ of Certiorari or any other appropriate Writ, Order, or Direction in the nature of Certiorari directing Respondent (MCD) to quash the demand Order dated 18.12.2025 vide which the Respondent is demanding a penalty of an amount of Rs. 29,56,206/- as alleged misuse penalty against the Petitioner for de-sealing of the Petitioner's 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
 - IV. Direct Respondent (i.e. MCD) to pay compensation to the Petitioner for the illegal and unauthorized sealing of the Petitioner's Property;
2. W.P.(C) 5836/2026 has been filed seeking the following reliefs:

- I. Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction in the nature of Mandamus directing Respondent (MCD) to immediately de-seal the Petitioner's property bearing Unit nos. S-1 and S-2 (Front Unit of Second Floor), F-3 and F-4 (Rear Unit of First Floor) of the property bearing No. D-32, NDSE Part-I, New Delhi – 110049.
- II. Issue a Declaration that the sealing of the said property by Respondent (i.e. MCD) is illegal and unauthorized;



- III. Issue a Writ of Certiorari or any other appropriate Writ, Order, or Direction in the nature of Certiorari directing Respondent (MCD) to quash the demand Order dated 18.12.2025 vide which the Respondent is demanding a penalty of an amount of Rs. 60,64,765/- as alleged misuse penalty against the Petitioner for de-sealing of the Petitioner's property bearing Unit nos. S-1 and S-2 (Front Unit of Second Floor), F-3 and F-4 (Rear Unit of First Floor) of the property bearing No. D-32, NDSE Part-I, New Delhi – 110049
- IV. Direct Respondent (i.e. MCD) to pay compensation to the Petitioner for the illegal and unauthorized sealing of the Petitioner's Property;

3. The aforesaid units in the subject property had been sealed by the respondent/MCD on 5th February, 2008 on the ground of misuse.
4. Counsel for the petitioners has drawn attention of the Court to the common order passed by the Appellate Tribunal MCD ('ATMCD') on 10th April, 2017 in Appeal Nos. 444/ATMCD/2013, 445/ATMCD/2013 and 609/ATMCD/2013 filed by the owners of the aforesaid units. The relevant extract from the said order is set out below:



24. Since the appellants have paid the 10 times penalty for misusing the premises and further ready to give the undertaking that they will use their respective portions of the property in question for residential purpose till they pay the charges for additional FAR and conversion charges, therefore, I allow the appeals and order to desal the property in question i.e. S-1 & S-2 on second floor, F-3 & F-4 rear portion off first floor and rear portion of second floor of property bearing No.D-32, NDSE-I, New Delhi, subject to furnishing an undertaking that they will not use the property for commercial or against the use as permitted in the MPD-2021 and will use the same for residential purpose and till they pay the charges for additional FAR and conversion charges, if any, and till then will use the same for residential purpose. The violation of any such undertaking will give full liberty to the MCD to reseal 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 desealed thereafter within 15 days. Record of the respondent 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 filed No.444/13 and attested copies of the order be placed in other appeals. Appeal files be consigned to record room.

5. ATMCD, while allowing the petitioners' appeal, quantified the liability as 10-times misuse penalty and parking charges, and ordered de-sealing upon deposit thereof and filing of an undertaking. The petitioners duly deposited the said penalty on 15th December, 2016 and parking charges on 21st February, 2017. Pursuant to such compliance, the respondent/MCD de-sealed the subject property in May, 2017.

6. It is contended on behalf of the counsel for the petitioners that the aforesaid order passed by ATMCD notes that the petitioners have paid 10 times the penalty for misusing the premises and therefore, levy of fresh



penalties on the petitioners in terms of the impugned demand notices dated 18th December, 2025 is unlawful.

7. Counsel for the respondent/MCD appearing on advance notice submits that the subject property was sealed again in the year 2018 and therefore, the payments which were made in 2017 cannot be treated as penalty in respect of subsequent sealing which took place in 2018.

8. Against the fresh re-sealing in 2018, the petitioner approached the Monitoring Committee appointed by Supreme Court in W.P.(C) 4677/1985 titled as *M.C. Mehta v. Union of India*. The case of petitioners came up before the Monitoring Committee on 17th October, 2022 wherein the orders were passed for permanently de-sealing of premises of petitioners, subject to payment of penalty at prevailing rates and compounding/regularization fee/charges for the entire building, and filing of affidavits restricting use to residential purposes pending regularisation.

9. Since the premises of the petitioners were not de-sealed, the petitioners approached this court by filing writ petitions being W.P. (C) 14100/2025 and W.P. (C) 14159/2025.

10. W.P. (C) 14100/2025 titled as *M/s. ERFOLG v. Municipal Corporation of Delhi* was disposed *vide* order dated 12th September, 2025.

The relevant extracts from the said order are set out below:



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.

11. W.P. (C) 14159/2025 titled as ***Amber Bawa v. Municipal Corporation of Delhi*** was disposed of *vide* order dated 15th September, 2025. The relevant extracts from the said order are set out below:

8. 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, MCD, Central Zone.

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

10. Upon the petitioner meeting 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.

12. Pursuant to the aforesaid orders, the impugned demand notices dated 18th December, 2025 have been issued by the respondent/MCD communicating to the petitioners the amounts of penalties that are due, being Rs. 29,56,206/- in respect of M/s. ERFOLG and Rs. 60,64,765/- in respect of Ms. Amber, the penalty amount was calculated at 1.5 times the one-time conversion charges of Rs. 22,274/- per sq. m. by applying



Notification S.O. 3173(E) dated 29th June, 2018.

13. The order passed by Monitoring Committee as well as the orders by this court in W.P. (C) 14100/2025 and W.P. (C) 14159/2025 have held that the petitioners are liable to pay penalties as communicated by MCD. Admittedly, the petitioners have not challenged the aforesaid orders.

14. Therefore, I do not find any merit in the contention of the petitioners that they are not liable to pay penalties.

15. The present writ petitions are completely misconceived and are dismissed accordingly.

16. Consequently, the pending application stands disposed of.

AMIT BANSAL, J

APRIL 29, 2026

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