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

\# **CNR No. DLHC010489642026**

\+ LPA 833/2026 & CM APPL. 70432/2026, CM APPL. 70433/2026, CM APPL. 70434/2026

MS LR BUILDERS PVT LTD **.....**Appellant

Through: Mr Harpreet Singh, Mr Anirudh Sharma, Ms Kanika Singhal, Mr Kartik Kumar, Mr Abhishek Mishra, and Ms Sakshi, Advocates

versus

M/S P. P. JEWELLERS PVT LTD & ORS. **.....**Respondents

Through: Mr. NPS Chawla, Mr. Sujoy Datta, Mr. Vibhor Kapoor, Ms. Nishtha Khurana, Mr. Shubham Raghuvanshi, Mr. Abhishek Chabbra, and Ms. Kinjal Sharma, Advocates

Ms. Chand Chopra, and Mr. Shivam Bansal, Advocates

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY SHARMA

O R D E R

% 09.10.2026

1. The present Letters Patent Appeal under clause 10 of Letters Patent assails the order dated 29th September, 2026 passed in *W.P.(C) 5691/2024*.

2. The prayer in the present Letters Patent Appeal reads as under:-

> *"(a) set aside / modify the impugned order dated 29.09.2026 in W.P.(C) 5691/2024 to the extent it leaves H-5 unsealed and under the lock and key of Respondent Nos. 1 and 2 until further orders, in supersession of the earlier interim orders;*
>
> *(b) direct that CM APPL. 67806/2026 (under Article 144 of the Constitution) and CM APPL. 66836/2026 (including prayer (b) for absolving the Appellant of liability) be taken up and decided first, before any other application, including the application of Respondent Nos. 1 and 2 dated 07.10.2026 to resume commercial*

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operations;

(c) direct that the orders of the Hon'ble Supreme Court in Loganathan v. State of Tamil Nadu & Ors., SLP(C) Nos. 8044–8045/2025, including the orders dated 20.05.2026, 09.07.2026, 05.08.2026 and 22.09.2026 (Revised), be implemented in letter and spirit in respect of H-5, and direct Respondent No. 3/DDA to act on its orders dated 31.05.2022 and 29.05.2024 by sealing H-5 in accordance with law;

(d) direct that no special treatment be given to Respondent No. 1, M/s P.P. Jewellers Pvt. Ltd., over and above the orders of the Hon'ble Supreme Court;

(e) direct that the observations of the Hon'ble Supreme Court in its order dated 05.08.2026 concerning the orders of the Hon'ble Madhya Pradesh High Court at Jabalpur be considered before any order is passed on any application of Respondent Nos. 1 and 2 for interim relief or resumption of operations;

(f) direct that the interim arrangements in W.P.(C) 5691/2024 shall not affect, or be used in, the questions of title and possession of H-5 pending in CS(OS) 581/2023 (including I.A. 9825/2026) and CS(COMM) 671/2025;

(g) direct Respondent No. 3/DDA and Respondent No. 4/Delhi Fire Service, before any order permitting resumption of operations, to get a structural audit of H-5 done by an independent expert agency, including soil investigation and compaction and load-bearing tests of the basement and the excavated setback area, and a fire safety inspection, and to place the reports before the Court;

(h) direct that the "Structural Stability Certificate" dated 26.09.2026 issued by Respondent No. 5 shall not be relied upon for any purpose, and direct Respondent No. 5 to file an affidavit disclosing the inspections, tests and documents on which it was issued;

(i) allow the accompanying application and implead the Delhi Fire Service and Sh. Rajesh Saxena as Respondent Nos. 4 and 5;

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and

(j) pass such other order(s) as this Hon'ble Court may deem fit in the interest of justice."

3. *Mr. Harpreet Singh*, learned counsel for the appellant has urged that pursuant to the order of the Apex Court dated 22nd September, 2026 (Revised) passed in M.A. (C) D. No. 17103/2026 in the matter of *Loganathan v. The State of Tamil Nadu* and other orders passed in the previous proceedings, it is the bounden duty of the respondents/competent authority to seal the unauthorized building. According to the learned counsel for the appellant, the occupation of the H-5 premises by the respondents is unauthorized as the premises itself is not sanctioned. So as to substantiate his contention, he has drawn support from the order dated 31st May, 2022 which was passed by the Delhi Development Authority post the inspection of the premises in question.

4. Amongst others, the submissions of learned counsel for the appellant are:

(a) That in spite of sealing the building/premises and the possession being maintained with the respondents, the building ought to have been directed to be sealed by the competent authorities; and

(b) In view of the admitted fact that the structure/premises itself is unauthorized, the respondents should not have been permitted to occupy the building under any circumstance.

5. When we appreciate the aforesaid submissions in light of the impugned order dated 29th September, 2026 passed by the learned Single Judge of this Court, it is apparent that the learned Single Judge has been sensitive to the fact that the building/premises is unauthorized and the

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interim arrangement was directed so as to ensure immediate cessation of use of the commercial premises without the occupation certificate, completion certificate and fire safety clearance.

6. As regards the issue whether the building/premises in question shall be sealed by the Competent Authority is a fact which is yet to be gone into by the learned Single Judge.

7. Apart from the above, the fact remains that whether the appellant to the present appeal can be held responsible in case the building suffers any damage or the collapse of the building causes any damage or injury to an individual, is an issue which is yet to be canvassed before the leaned Single Judge.

8. Keeping the aforesaid issues open to be contested before the learned Single Judge, we see no reason to cause interference in the interim order passed by the learned Single Judge in the present matter which is impugned in the present appeal.

9. The appeal, in our opinion, lacks merit and stands dismissed accordingly.

10. Pending applications also stand disposed of.

NITIN WASUDEO SAMBRE, ACJ

SANJAY SHARMA, J

OCTOBER 9, 2026/*ay/gs*

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