



2026:DHC:2712



\$~53 to 56

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

% *Date of Decision: 30th March, 2026*

+ W.P.(C) 17877/2025 & CM APPL. 73901/2025

HEENA ALEEMPetitioner

Through: Mr. Varun Deswal and Mr. Danish Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Anand Prakash, SC for MCD with Ms. Varsha Arya, Advocate.

54

+ W.P.(C) 17890/2025 & CM APPL. 74068/2025

SHAGUFTA FEROZ & ANR.Petitioners

Through: Mr. Varun Deswal and Mr. Danish Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Anand Prakash, SC for MCD with Ms. Varsha Arya, Advocate.

55

+ W.P.(C) 17907/2025 & CM APPL. 74101/2025

SHAGUFTA FEROZ & ANR.Petitioners

Through: Mr. Varun Deswal and Mr. Danish Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Anand Prakash, SC for MCD with Ms. Varsha Arya, Advocate.



2026:DHC:2712



56

+ W.P.(C) 17928/2025 & CM APPL. 74135/2025

SHAGUFTA FEROZ & ANR.

.....Petitioners

Through: Mr. Varun Deswal and Mr. Danish
Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Anand Prakash, SC for MCD
with Ms. Varsha Arya, Advocate.**CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (ORAL)**

1. Arguments have been heard in the present petitions on the previous date of hearing i.e. 23rd March, 2026. There were clarifications to be sought from the parties and hence, the petitions are listed today i.e. 30th March, 2026. Counsel for the parties have been heard with respect to the clarifications.
2. Since all the present writ petitions raise a common issue and are pertaining to the same premises, all the said petitions are being decided by way of this common judgment.
3. The facts in W.P.(C) 17877/2025 have been considered for the purposes of this judgment.
4. All the writ petitions seek similar reliefs. For the sake of convenience, the prayers sought in W.P.(C) 17877/2025 are set out below:

“A. issue a writ of mandamus of any other appropriate writ thereby directing the respondents to permanently de-seal the middle portion, 2nd floor, f-16, preet vihar, delhi -110092 (let out to m/s. alchemist enabling



through (cat, mba coaching);

B. issue a writ of mandamus of any other appropriate writ thereby setting aside or directing the respondents to withdraw/revoke show cause notice dated 16.5.2025, sealing order dated 29.5.2025, demand letter dated 22.7.25, breakdown of conversion/parking/interest charges dated 24.7.25;

C. issue a writ of mandamus of any other appropriate writ thereby directing the respondents to permanently convert/regularize the said portion under the head, 'other property' for mixed use in terms of clause 15.7. of mpd 2021;

D. issue a writ of mandamus of any other appropriate writ thereby directing the respondents to carry out audit and settlement of accounts qua the registration, yearly conversion, one time conversion and parking charges etc deposited in respect of the above said property and refund the excess funds, if any, deposited in respect of registration, yearly conversion, one time conversion and parking charges qua the above said property.”

5. Mr. Varun Deswal, counsel appearing on behalf of the petitioners submits that the petitioners are lawful owners of the properties located at the second floor in Preet Vihar (hereinafter the ‘subject properties’). The petitioners had deposited the parking charges, one-time registration charges and one-time conversion charges in relation to the aforesaid premises in 2018-19.

6. On 16th May 2025, the respondent-Municipal Corporation of Delhi (hereinafter ‘MCD’) issued a show cause notice to the petitioners alleging that the petitioners did not have a Fire NOC in respect of the subject properties.

7. A sealing order was passed on 29th May 2025, on the ground that the petitioners have failed to pay the misuse/penalty charges.



8. Aggrieved by the same, the petitioners filed writ petitions before this Court bearing no. *W.P.(C) 9578/2025 and connected matters*, which were disposed of on 11th July, 2025. The relevant observations in the said order are set out below:

“14. Considering the submissions made before this Court, it is directed that the petitioners shall use the subject property as per the use, which is permissible under the Master Plan for Delhi, 2021 and in accordance with law. In case, any permission or license is required for carrying out any activity from the premises in question, the same shall be obtained by the petitioners from the concerned authorities.

15. Accordingly, the petitioners are directed to submit an undertaking with the MCD that they shall use the subject property only in accordance with law, and carry out permitted activities only.

16. Let the said undertaking be filed by the petitioners with the MCD, within a period of two working days from today.

17. Upon the petitioners submitting such an undertaking, and complying with other directions of the MCD in that regard, including, payment of any requisite charges, the MCD is directed to de-seal the subject property of the petitioner within two days of the petitioner carrying out the necessary compliances.

18. Further, the petitioners are held to be bound by their undertaking before this Court that they shall use the subject property only as per the permissible activities, in accordance with law and after taking requisite permissions/licences from the concerned authorities, wherever required.”

9. After the aforesaid writ petitions were disposed of, the petitioners filed undertakings with the respondent-MCD on 12th July 2025 stating that premises shall be used strictly in accordance with the applicable Municipal Corporation of Delhi bye-laws.

10. The respondent-MCD issued demand letters dated 22nd July 2025 and



2026:DHC:2712



24th July 2025 conveying the conversion charges/penalty for misuse to be paid by the petitioners.

11. Since the respondent-MCD did not de-seal the property of the petitioners, the petitioners filed contempt petitions before this Court.

12. The stand of the respondent-MCD before the contempt Court was that MCD has raised certain charges, which the petitioners have failed to pay. The contempt petitions were disposed of on 22nd September 2025 by giving liberty to the petitioners to initiate appropriate legal proceedings in respect of the aforesaid charges.

13. Accordingly, the present writ petitions have been filed.

14. On the first date of hearing on 26th November 2025, this Court directed that the Deputy Commissioner of MCD shall grant a hearing to the petitioners in relation to the amounts payable towards conversion charges, registration charges and parking charges and pass a speaking order.

15. Speaking order was passed on behalf of the respondent-MCD on 29th January 2026, wherein it was noted that the petitioners were running coaching centers from the subject property without requisite Fire NOC. For ease of reference, the relevant extracts of speaking order dated 29th January 2026 is set out below:

“6. In view of aforementioned factual matrix, it is hereby ordered that:

- i. The activity of “Educational Consultancy” is considered as “Other Activities” under clause ‘J’ of 15.7.1 of MPD-2021.*
- ii. The Building Department, Shahdara (South) Zone is directed to convey the requisite charges payable by the petitioner.*
- iii. The petitioner is directed to pay the requisite charges to the MCD within the period stipulated in the demand letter which will be issued in compliance of direction at 6 (ii) above.”*



2026:DHC:2712



16. Pursuant to this order, MCD calculated conversion charges/penalty for misuse of various portions of the subject properties, which were conveyed to the petitioners *vide* communication dated 3rd February 2026. The petitioners were given adjustments towards the amounts already paid towards parking charges and conversion charges.

17. Counsel for the petitioner contends that the show cause notice issued by the MCD on 16th May 2025 only dealt with the aspect of petitioners not having the requisite NOC from the Fire Department and running coaching centers. There was no averment in the said show cause notice with regard to conversion charges not having been paid by the petitioners.

18. He further submits that one time conversion charges were paid as far back as 2019 and no objection was raised by MCD in this regard. So, MCD could not have raised fresh demand for conversion charges, particularly without issuing any show cause notice in that regard.

19. It is submitted on behalf of the petitioners that whereas show cause notice was issued on the ground of lack of Fire NOC, the impugned sealing order proceeds on the basis that the petitioners have changed the user of premises from residential to commercial and have failed to pay misuse/penalty in terms of MPD 2021. The sealing order fails to take into account that one time conversion charges had been paid by the petitioners.

20. Mr. Anand Prakash, Standing Counsel appearing on behalf of the MCD submits that the petitioners did not have any sanctioned building plan(s) or completion certificate(s) in respect of the subject properties. He places reliance on the order of the Division Bench passed on 14th December, 2023 in W.P.(C) 12182/2016 titled as ***Sanjay Singhal v. State Govt. of NCT of Delhi*** in terms of which Fire NOC is mandatory for running a coaching



institute, whether the same is run from the basement or any other part of the property. He further submits that speaking order has been passed in terms of the order passed by this Court on 26th November 2025 after giving hearing to the petitioners.

21. It is further submitted on behalf of the respondent/MCD that the petitioners had paid one time conversion charges on a self-assessment basis. After inspection it was found that the area was in excess and therefore, the petitioners have been asked to pay conversion charges after adjusting the amounts that had already been paid.

22. I have heard counsel for the parties and examined the material placed on record.

23. In so far as the requirement of Fire NOC is concerned, it is no longer *res integra* that coaching and tuition centers are required to comply with the fire safety norms. In light of the order dated 14th December 2023 of the Division Bench in ***Sanjay Singhal*** (supra), the petitioners would be required to take a Fire NOC irrespective of the fact that the coaching centers are being run in the basement or any other floor. The relevant paragraph of ***Sanjay Singhal*** (supra) is set out below:

“23. Insofar as Clause 15.7.3(vii) of the MPD, 2021 is concerned, we are inclined to accept the interpretation commended for our consideration by the learned amicus. As we read that provision, we find ourselves unable to construe the same as restricting fire safety clearances being required only in case a coaching or tuition center is proposed to be operated from a basement. In fact, a prima facie examination of that clause would appear to indicate it that it has been placed ex abundati cautela and cannot be read as intending to extend the requirement of fire safety clearance only where a coaching center is proposed to be established in a basement of a building. In our prima facie opinion, the same would not detract from coaching and tuition centers being required to comply with fire



safety norms that may be otherwise specified either under the MPD, 2021 or the 2010 Rules. We note in this regard that even the UBBL in terms of Para 9.3 incorporates special measures for buildings covered under Rule 27 of the 2010 Rules. Para 9.3 is extracted hereinbelow: -

“9.3 Fire Safety

The building plans for buildings covered under Rule 27 of Delhi Fire Service Rules shall be marked fire and life safety measures as per the National Building Code of India concerning minimum standards for fire prevention and fire protection as covered under Rule 33 of the Delhi Fire Service Rules as amended from time to time; unless otherwise specified in these bye-laws.” ”

[Emphasis supplied]

24. During the course of the hearing, this Court was informed that the petitioners have vacated the subject properties and are no longer running coaching centers in the subject properties. Accordingly, in terms of the undertaking filed by the petitioners, the petitioners would be required to take Fire NOC for operating any coaching centers from the said premises.

25. The next issue to be examined is that whether the levy of conversion charges/penalty for misuse was in accordance with law or not.

26. In terms of the judgment dated 11th July 2025 passed in the earlier writ petitions being *W.P.(C) 9578/2025 and the connected matters*, the properties were to be de-sealed after the payment of requisite charges. After the said judgment was passed in the earlier writ petitions, the petitioners were sent demand letters dated 22nd July 2025 and 24th July 2025 (*Annexure-C and Annexure-D to W.P.(C) 17877/2025*) that the petitioners were liable to pay conversion/misuse charges after adjustment of the already paid amounts.

27. Pursuant to order passed by this Court on 26th November, 2025 in the present batch of petitions, the Deputy Commissioner, MCD gave a personal



2026:DHC:2712



hearing to the petitioners and on the basis of the personal hearing, MCD has calculated the conversion charges as well as parking charges. In respect of the three of the petitioners in W.P.(C) 17877/2025, W.P.(C) 17890/2025 and W.P.(C) 17907/2025, penalty has also been levied since the petitioners were operating coaching centres without a necessary Fire NOC. The benefit of “Other Activities” in terms of Clause ‘J’ of 15.7.1 of MPD-2021 was given to petitioner in W.P.(C) 17928/2025, as he was running an ‘Educational Consultancy’ and hence, no penalty was levied.

28. The grievance of the petitioner is that the conversion charges, parking charges and the penalty have wrongly been calculated/imposed by the respondent-MCD.

29. In my considered view, these are purely disputed questions of fact which cannot be gone into in a writ petition. The communication dated 3rd February 2026 was sent to the petitioners after the parties were heard at length and the Deputy Commissioner, MCD passed a speaking order dated 29th January 2026. The respondent-MCD has also given credit to the petitioners for the parking/conversion charges paid by the petitioners. The relevant extracts of the communication dated 3rd February 2026 are set out below:



Accordingly the revised detailed total conversion charges/misuse charges for various portions of the said property is as follows:

Name	Area (In Sqm)	Parking (In Rs.)	Conversion (In Rs.)	Penalty (In Rs.)	Total (In Rs.)
M/s Gyanam	85.275	255399	174643	----	430042
M/s Alchemist	70.95	212495	145306	217958	575759
M/s Pahal	98.06	293690	200827	301240	795757
M/s Samayak	87.43	261853	179057	268585	709495
Total	341.715	1023437/-	699833/-	787783/-	2511053/-

Further perusal of the record available with MCD reveals that the conversion/parking/misuse etc. charges deposited by the petitioner under Self Assessment for portions on First Floor and Second Floor of the subject property are as follows:

G-8 No.	Date	Parking (In Rs.)	Conversion (In Rs.)	Total (In Rs.)
DJ42548	21.05.2018	24244	278325	302569
DJ64168	28.05.2018	30882	45239	76121
DO61736	23.07.2019	296708	0	296708
DJ64893	31.05.2018	30169	86855	117024
DO61738	23.07.2019	278468	0	278468
Total		660471/-	410419/-	1070890/-

* **NOTE – An interest @ 10 % per annum on the difference of requisite amount and paid amount from July – 2018 to the date of realization has to be paid by the owner (s)/petitioner (s).**

As the deposited charges by the petitioner are paid under self assessment without clearly declaring the commercial activities against the deposited charges.

Therefore, in view of the above, you are requested to deposit the above said necessary conversion charges/misuse charges of said premises /portions for permanent de-sealing along with interest as applicable. The said charges are to be deposited by way of Demand Draft in favour of **Commissioner, MCD**.

30. In view of the discussion above, I do not find any merit in the writ petitions and the same are dismissed.



2026:DHC:2712



31. Needless to state, upon the petitioners paying the requisite charges, as directed by this Court on 11th July, 2025 and communicated to the petitioners *vide* communication dated 3rd February, 2026, the MCD shall forthwith de-seal the subject properties.

AMIT BANSAL, J

MARCH 30, 2026
ds