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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P. (C) 9037/2020**

B. SQN 61 CAVALRYPetitioner
Through: Ms Aakanksha Kaul and Mr Manek Singh, Advocates.
versus

NORTH DELHI MUNICIPAL CORPORATION & ORS. Respondents
Through: Mr Ajjay Arorra and Mr Kapil Dutta, SCs for North DMC/R-1 with Mr Anand Prakash, Advocate.
Mr Harish Malhotra, Senior Advocate with Mr Rajender Agarwal, Advocate for R-3 and R-4.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI
ORDER
% **12.11.2020**

The hearing was conducted through video conferencing.

CM APPL.29100 /2020 (Exemption)

1. Allowed subject to all just exceptions. The application stands disposed-off.

W.P. (C) 9037/2020 & CM APPL.29099/2020 (stay)

2. Issue notice. Notice is accepted by the learned counsel named above for R-1, R-3 and R-4. Reply/rejoinder be filed within four successive weeks each.
3. The petitioner is aggrieved by the building plan sanctioned by the Corporation and construction work undertaken by R-3 and R-4, which is stated to be within ten metres of the boundary wall of a defence establishment. The objection is raised in terms of the 'Guidelines for



issue of No Objection Certificate' ('NOC') for Building Constructions' dated 18.05.2011, issued by the Ministry of Defence, Government of India. The said guidelines make it mandatory for an NOC to be obtained from the Military Station Commander concerned.

4. Mr. Harish Malhotra, the learned Senior Advocate appearing for R-3 and R-4, submits that the said Guidelines have been modified as of 21.10.2016. However, Ms. Kaul, the learned counsel for the petitioner, submits that the guidelines of 21.10.2016 are under review. The defence establishment in question is notified at Serial No.144 of Annexure-A attached to the 2016 Guidelines (p.42).
5. Mr Ajjay Aroraa, the learned Standing Counsel for the Corporation, states upon instructions, that building permission was granted online. However, it was not disclosed in the application that the proposed building was in the vicinity of a defence establishment. Nevertheless, immediately upon being informed of the matter, construction at the site has been stopped by the Corporation and it shall be so ensured till further orders. Let it be so done.
6. List on 23.04.2021.
7. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

NOVEMBER 12, 2020/rd